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Agenda item 70

Promotion and protection of the rights of children**Report of the Third Committee**

Rapporteur: Ms. Katharina **Konzett-Stoffl** (Austria)

I. Introduction

1. At its 3rd plenary meeting, on 21 September 2018, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-third session the item entitled:

“Promotion and protection of the rights of children:

“(a) Promotion and protection of the rights of children;

“(b) Follow-up to the outcome of the special session on children”

and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the item at its 11th to 15th meetings, from 9 to 11 October 2018. The Committee considered proposals and took action on the item at its 46th, 48th and 55th meetings on 13, 15 and 20 November. An account of the Committee's discussion is contained in the relevant summary records.¹

3. For its consideration of the item, the Committee had before it the following documents:

Item 70 (a)**Promotion and protection of the rights of children**

Report of the Committee on the Rights of the Child (A/73/41)

Report of the Secretary-General on the issue of child early and forced marriage (A/73/257)

Report of the Secretary-General on protecting children from bullying (A/73/265)

¹ A/C.3/73/SR.11, A/C.3/73/SR.12, A/C.3/73/SR.13, A/C.3/73/SR.14, A/C.3/73/SR.15, A/C.3/73/SR.46, A/C.3/73/SR.48 and A/C.3/73/SR.55.



Report of the Secretary-General on the status of the Convention on the Rights of the Child (A/73/272)

Annual report of the Special Representative of the Secretary-General on Violence against Children (A/73/276)

Report of the Special Representative of the Secretary-General for Children and Armed Conflict (A/73/278)

Note by the Secretariat on the report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material (A/73/174 and A/73/174/Corr.1)

Item 70 (b)

Follow-up to the outcome of the special session on children

Report of the Secretary-General on the follow-up to the outcome of the special session of the General Assembly on children (A/73/223)

4. At its 11th meeting, on 9 October, the Committee heard an introductory statement by the Special Representative of the Secretary-General for Children and Armed Conflict, who responded to questions posed and comments made by the representatives of Estonia, Qatar, Spain, Slovenia, the European Union, Switzerland, the United Kingdom of Great Britain and Northern Ireland, Canada, Germany, Malaysia, the Syrian Arab Republic, the Sudan, Saudi Arabia, the United Arab Emirates, South Africa, Algeria, Yemen, Morocco, Liechtenstein, Israel and Libya, as well as by the observer of the State of Palestine.

5. At the same meeting, the Special Representative of the Secretary-General on Violence against Children made an introductory statement and responded to questions posed and comments made by the representatives of the European Union, the Syrian Arab Republic, Spain, Portugal, Switzerland, Mexico, Norway, Brazil, Estonia, Slovenia and the Dominican Republic.

6. Also at the same meeting, the observer of the Council of Europe made a statement.

7. Also at the 11th meeting, the Director of Programmes of the United Nations Children's Fund made an introductory statement and responded to questions posed and comments made by the representatives of the Syrian Arab Republic and Costa Rica.

8. At its 12th meeting, on 9 October, the Committee heard an introductory statement by the Chair of the Committee on the Rights of the Child, who responded to questions posed and comments made by the representatives of Japan, Switzerland, the European Union, Mexico and the United Kingdom.

9. At the same meeting, the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material made an introductory statement and responded to questions posed and comments made by the representatives of South Africa, the United Kingdom, the United States of America, the European Union, Ireland, the Dominican Republic and Mexico.

10. Also at the same meeting, the independent Expert and lead author for the global study on children deprived of liberty made an introductory statement and responded to questions posed and comments made by the representatives of Spain, South Africa, Austria, Mexico, Switzerland, the European Union and Germany (also on behalf of France).

II. Consideration of proposals

A. Draft resolution A/C.3/73/L.22/Rev.1

11. At its 48th meeting, on 15 November, the Committee had before it a draft resolution entitled "Child, early and forced marriage" (A/C.3/73/L.22/Rev.1), which replaced draft resolution A/C.3/73/L.22 and was submitted by Algeria, Angola, Argentina, Belize, Benin, Canada, the Central African Republic, Costa Rica, Eritrea, Ethiopia, Georgia, Ghana, Italy, Kenya, Lebanon, Lesotho, Liberia, Mali, Monaco, Mongolia, the Netherlands, Paraguay, Romania, South Sudan, Spain, Zimbabwe and Zambia. Subsequently, Albania, Andorra, Australia, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Chad, Chile, Colombia, the Comoros, Croatia, Cyprus, Czechia, Denmark, the Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Estonia, Finland, France, the Gambia, Germany, Greece, Guinea, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Israel, Japan, Jordan, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Mexico, Montenegro, Morocco, Mozambique, Namibia, New Zealand, the Niger, Nigeria, Norway, Panama, Papua New Guinea, Peru, the Philippines, Portugal, the Republic of Korea, San Marino, Sao Tome and Principe, Senegal, Serbia, Seychelles, Slovakia, Slovenia, Solomon Islands, South Africa, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, Venezuela (Bolivarian Republic of) and Viet Nam joined in sponsoring the draft resolution.

12. At the same meeting, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution.

13. Also at the same meeting, the representative of Zambia made a statement.

14. Also at the 48th meeting, the representative of the United States made a statement, orally proposed an amendment to the twenty-third preambular paragraph and operative paragraphs 14, 17 and 18 of draft resolution A/C.3/73/L.22/Rev.1 and requested a brief suspension of the meeting.

15. At the same meeting, a statement was made by the representative of Canada, also on behalf of Zambia.

16. Also at the same meeting, the Chair made a statement, to which the representative of Canada responded.

17. Also at the 48th meeting, a statement was made by the representative of the United States, after which the Secretary of the Committee made a clarification.

18. At the same meeting, the representative of the United States moved to suspend the meeting under rule 118 of the rules of procedure of the General Assembly.

19. Also at the same meeting, the motion to suspend the meeting was rejected by a recorded vote of 73 to 33, with 33 abstentions. The voting was as follows:

In favour:

Algeria, Bahrain, Bangladesh, Bhutan, Burundi, Cameroon, Comoros, Djibouti, Egypt, Eritrea, Ethiopia, Guyana, India, Iraq, Kiribati, Malaysia, Maldives, Myanmar, Nauru, Nepal, Niger, Nigeria, Panama, Saint Vincent and the Grenadines, Sao Tome and Principe, Senegal, Somalia, Sudan, Togo, United Arab Emirates, United Republic of Tanzania, United States of America, Yemen.

Against:

Andorra, Argentina, Australia, Austria, Belgium, Belize, Bolivia (Plurinational State of), Botswana, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czechia, Democratic People's Republic of Korea, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Guinea, Guinea-Bissau, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Mexico, Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Norway, Oman, Pakistan, Paraguay, Peru, Poland, Portugal, Romania, San Marino, Serbia, Seychelles, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of), Zambia.

Abstaining:

Afghanistan, Angola, Brunei Darussalam, China, Congo, Côte d'Ivoire, Equatorial Guinea, Fiji, Guatemala, Honduras, Indonesia, Israel, Jamaica, Jordan, Kazakhstan, Lesotho, Mauritius, Mozambique, Namibia, Papua New Guinea, Philippines, Qatar, Republic of Korea, Rwanda, Samoa, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Thailand, Vanuatu, Viet Nam.

20. At the same meeting, statements were made by the representatives of New Zealand (also on behalf of Argentina, Australia, Austria, Belgium, Costa Rica, Denmark, Ecuador, Estonia, Finland, France, Iceland, Ireland, Italy, Japan, Liechtenstein, Mexico, Montenegro, the Netherlands, Norway, the Philippines, Slovenia, Sweden, Switzerland, the United Kingdom and Uruguay), the Russian Federation, Namibia, Uruguay, Cuba, South Africa, Australia and Canada.

21. Also at the same meeting, the Committee rejected the oral amendment proposed by the United States by a recorded vote of 96 to 33, with 35 abstentions. The voting was as follows:

In favour:

Bahrain, Belarus, Brunei Darussalam, Burundi, Cambodia, Cameroon, China, Djibouti, Egypt, Eritrea, Ethiopia, Guatemala, Guyana, Iraq, Jamaica, Kuwait, Libya, Malaysia, Nauru, Nicaragua, Nigeria, Oman, Pakistan, Qatar, Saint Lucia, Saudi Arabia, Somalia, Sudan, Suriname, United Arab Emirates, United States of America, Yemen, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Belize, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czechia, Democratic People's Republic of Korea, Denmark, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estonia, Fiji, Finland, France, Germany, Greece, Guinea, Guinea-Bissau, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Lao People's Democratic Republic, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Mexico, Monaco, Mongolia, Montenegro, Namibia, Netherlands, New Zealand, Niger, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Rwanda, San Marino, Sao Tome and Principe, Serbia, Seychelles, Slovakia, Slovenia, Solomon Islands, South Africa, South Sudan, Spain, Sri Lanka, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Zambia.

Abstaining:

Algeria, Angola, Bahamas, Bangladesh, Barbados, Bhutan, Central African Republic, Democratic Republic of the Congo, Gambia, Ghana, Haiti, Honduras, India, Indonesia, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lesotho, Maldives, Mauritius, Mozambique, Myanmar, Nepal, Russian Federation, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Samoa, Senegal, Sierra Leone, Singapore, Tajikistan, Timor-Leste, Uganda, Uzbekistan.

22. Before the vote, a statement was made by the United States, and statements in explanation of vote were made by the representatives of Austria (on behalf of the European Union and Albania, Bosnia and Herzegovina, Iceland, Norway, Serbia and the former Yugoslav Republic of Macedonia), the United Kingdom and Finland (also on behalf of Denmark, Iceland, Norway and Sweden). After the vote, statements in explanation of vote were made by the representatives of Jamaica, Pakistan, Nigeria, Libya, Egypt and Indonesia.

Action on draft resolution A/C.3/73/L.22/Rev.1 as a whole

23. At the 48th meeting, on 15 November, a statement was made by the representative of the Russian Federation.

24. Also at the 48th meeting, the Committee adopted draft resolution A/C.3/73/L.22/Rev.1, as a whole (see para. 56, draft resolution I).

25. After the adoption, a statement was made by the observer of the Holy See.

B. Draft resolution A/C.3/73/L.25/Rev.1

26. At its 46th meeting, on 13 November, the Committee had before it a draft resolution entitled "Protecting children from bullying" (A/C.3/73/L.25/Rev.1), which replaced draft resolution A/C.3/73/L.25 and was submitted by Brazil, Canada, the Central African Republic, Costa Rica, Croatia, Denmark, Ecuador, Honduras, Lesotho, Mexico, Paraguay and the United Kingdom of Great Britain and Northern Ireland. Subsequently, Albania, Andorra, Argentina, Armenia, Australia, Austria, the Bahamas, Belgium, Belize, Benin, Bosnia and Herzegovina, Bulgaria, Chile, Colombia, Cyprus, Czechia, the Dominican Republic, El Salvador, Estonia, Finland, the Gambia, Georgia, Germany, Greece, Guatemala, Guinea, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Japan, Kazakhstan, Kiribati, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malawi, Micronesia (Federated States of), Monaco, Montenegro, Morocco, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Peru, the Philippines, Poland, Portugal, the Republic of Korea, Romania, Saint Kitts and Nevis, San Marino, Sao Tome and Principe, Serbia, Seychelles, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Ukraine and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

27. At the same meeting, the representative of Mexico made a statement.

28. Also at the same meeting, the Committee adopted draft resolution A/C.3/73/L.25/Rev.1 (see para. 56, draft resolution II).

C. Draft resolution A/C.3/73/L.26/Rev.1 and amendment contained in document A/C.3/73/L.61

29. At its 55th meeting, on 20 November, the Committee had before it a draft resolution entitled "Rights of the Child" (A/C.3/73/L.26/Rev.1), which replaced draft resolution A/C.3/73/L.26 and was submitted by Albania, Andorra, Argentina, Austria, Belgium, Belize, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Ireland, Italy, Latvia, Lebanon, Lesotho, Lithuania, Luxembourg, Malta, Mexico, Monaco, Mongolia, Montenegro, the Netherlands, Panama, Peru, Poland, Portugal, the Republic of Moldova, Romania, Serbia, Seychelles, Slovakia, Slovenia, Spain, Sweden, Togo, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of).

30. At the same meeting, the representative of Uruguay made a statement and orally revised the draft resolution.²

31. Also at the same meeting, Armenia, Australia, Benin, Burkina Faso, Canada, Côte d'Ivoire, Cuba, Iceland, Japan, Kazakhstan, Kyrgyzstan, Liberia, Liechtenstein, Madagascar, Maldives, Morocco, New Zealand, Nicaragua, Norway, Paraguay, the Philippines, the Republic of Korea, Samoa, San Marino, Sao Tome and Principe, Sri Lanka, Switzerland, the former Yugoslav Republic of Macedonia, Thailand, Timor-Leste, Tunisia and Turkey joined in sponsoring the draft resolution, as orally revised.

32. Also at the 55th meeting, the representative of Austria (on behalf of the European Union and Albania, Bosnia and Herzegovina, Georgia, Montenegro, the Republic of Moldova, Serbia and the former Yugoslav Republic of Macedonia) made a statement.

33. At the same meeting, a statement on a point of order was made by the representative of the Comoros.

34. Also at the same meeting, the representative of Uruguay made a statement.

35. Also at the 55th meeting, the Secretary of the Committee announced that Mexico had withdrawn its sponsorship of the draft resolution, as orally revised.

36. At the same meeting, the representative of Mexico made a statement and orally proposed an amendment to operative paragraph 21 of the draft resolution, as orally revised.

37. Also at the same meeting, the representative of the United States made a statement and orally proposed an amendment to operative paragraph 21 of the draft resolution, as orally revised.

38. Also at the 55th meeting, the Secretary of the Committee made a clarification as to the sequence of action that the Committee would take on the draft and oral amendments.

39. At the same meeting, statements were made on a point of order by the representatives of the United States and the Comoros, to which the Secretary of the Committee and the Chair responded.

40. Also at the same meeting, the representative of Mexico made a statement.

² See A/C.3/73/SR.55.

Action on the amendment contained in document A/C.3/73/L.61

41. At its 55th meeting, on 20 November, the Committee had before it an amendment to draft resolution A/C.3/73/L.26/Rev.1, contained in document A/C.3/73/L.61, submitted by the Sudan. Subsequently, the Syrian Arab Republic joined in sponsoring the amendment.

42. At the same meeting, a statement was made by the representative of the Sudan.

43. Also at the same meeting, the representative of Uruguay made a statement.

44. Also at the 55th meeting, the Committee rejected the draft amendment by a recorded vote of 105 to 20, with 37 abstentions. The voting was as follows:

In favour:

Bahrain, Belarus, Burundi, Cameroon, China, Democratic People's Republic of Korea, Egypt, Eritrea, Iraq, Myanmar, Oman, Pakistan, Philippines, Russian Federation, Saudi Arabia, South Sudan, Sudan, Syrian Arab Republic, Yemen, Zimbabwe.

Against:

Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bangladesh, Barbados, Belgium, Belize, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cabo Verde, Canada, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Namibia, Netherlands, New Zealand, Niger, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Senegal, Serbia, Seychelles, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Zambia.

Abstaining:

Algeria, Angola, Bahamas, Bhutan, Brunei Darussalam, Cambodia, Central African Republic, Ethiopia, Fiji, India, Indonesia, Israel, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Lao People's Democratic Republic, Lesotho, Malaysia, Mauritania, Mauritius, Morocco, Nepal, Papua New Guinea, Qatar, Rwanda, Sao Tome and Principe, Singapore, Solomon Islands, Sri Lanka, Suriname, Turkey, Uganda, United Arab Emirates, United States of America, Viet Nam.

45. Before the vote, statements in explanation of vote were made by the representatives of Austria (on behalf of the European Union and Albania, Bosnia and Herzegovina, Georgia, Montenegro, Serbia and the former Yugoslav Republic of Macedonia) and Liechtenstein (also on behalf of Australia, Canada, Iceland, New Zealand, Norway and Switzerland). After the vote, a statement was made by the representative of the Syrian Arab Republic.

Action on the first oral amendment

46. At the 55th meeting, on 20 November, a statement on a point of order was made by the United States, to which the Secretary of the Committee responded.

47. At the same meeting, the Chair ruled that the Committee, in accordance with rule 113 of the rules of procedure of the General Assembly, would proceed to take action first on the amendment orally proposed by Mexico because the oral amendment by the United States was contingent on the results of the vote on the oral amendment by Mexico.

48. Also at the same meeting, a statement and a statement on a point of order were made by the representative of Mexico.

49. At the same meeting, statements were made by the representatives of the United States and Uruguay.

50. Also at its 55th meeting, the Committee rejected the oral amendment by a recorded vote of 74 to 11, with 81 abstentions. The voting was as follows:

In favour:

Argentina, Australia, Lebanon, Marshall Islands, Mexico, Norway, South Africa, Suriname, Switzerland, Thailand, Tunisia.

Against:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahrain, Barbados, Belarus, Benin, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, China, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guyana, Haiti, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Jamaica, Jordan, Kenya, Kuwait, Libya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Morocco, Mozambique, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Seychelles, Sierra Leone, South Sudan, Sudan, Syrian Arab Republic, Timor-Leste, Togo, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Yemen, Zambia, Zimbabwe.

Abstaining:

Afghanistan, Albania, Andorra, Austria, Bahamas, Bangladesh, Belgium, Belize, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cambodia, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Ireland, Italy, Japan, Kiribati, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Mongolia, Montenegro, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Sao Tome and Principe, Serbia, Singapore, Slovakia, Slovenia, Solomon Islands, Spain, Sri Lanka, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Viet Nam.

51. Before the vote, the representative of the Comoros, on behalf of the Group of African States, made a statement, and statements in explanation of vote were made by the representatives of Austria (on behalf of the European Union) and Australia. After the vote, statements in explanation of vote were made by the representatives of Iceland (also on behalf of Liechtenstein and New Zealand), Canada and South Africa.

Action on the second oral amendment

52. At the 55th meeting, on 20 November, the representative of the United States made a statement that, in view of the Chair's ruling and in the light of the rejection

of the oral amendment by Mexico, there was no need for the Committee to take action on the second oral amendment.

Action on draft resolution A/C.3/73/L.26/Rev.1, as orally revised

53. At its 55th meeting, on 20 November, the Committee adopted draft resolution A/C.3/73/L.26/Rev.1, as orally revised (see para. 56, draft resolution III).

54. After the adoption, statements were made by the representatives of the Russian Federation, the United States, Hungary, Egypt, Singapore, Myanmar, Uruguay, Mexico, the Islamic Republic of Iran and Iraq, as well as the observer of the Holy See.

D. Draft decision proposed by the Chair

55. At its 55th meeting, on 20 November, on the proposal of the Chair, the Committee decided to recommend to the General Assembly that it take note of the report of the Committee on the Rights of the Child (A/73/41) (see para. 57).

III. Recommendations of the Third Committee

56. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I **Child, early and forced marriage**

The General Assembly,

Reaffirming its resolutions 69/156 of 18 December 2014 and 71/175 of 19 December 2016 on child, early and forced marriage,

Recalling its resolutions 72/154 of 19 December 2017 on the girl child and 71/170 of 19 December 2016, entitled "Intensification of efforts to prevent and eliminate all forms of violence against women and girls: domestic violence", as well as Human Rights Council resolution 35/16 of 22 June 2017 on child, early and forced marriage in humanitarian settings¹ and all other previous resolutions relating to child, early and forced marriage,

Guided by the Universal Declaration of Human Rights,² which marks its seventieth anniversary in 2018, as well as the International Covenant on Economic, Social and Cultural Rights³ and the International Covenant on Civil and Political Rights,³ the Convention on the Rights of the Child⁴ and the Convention on the Elimination of All Forms of Discrimination against Women,⁵ together with the relevant Optional Protocols thereto,⁶ as well as other relevant human rights instruments, and recalling the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages,⁷

Reaffirming the Vienna Declaration and Programme of Action,⁸ which marks its twenty-fifth anniversary in 2018, as well as the Programme of Action of the International Conference on Population and Development,⁹ the Beijing Declaration and Platform for Action¹⁰ and the outcome documents of their review conferences,

Taking note of the relevant agreed conclusions of the Commission on the Status of Women,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,¹¹ and noting the integrated nature of the 2030 Agenda and the range of Goals and targets relevant to eliminating child, early and forced marriage, including target 5.3,

Taking note with appreciation of the ongoing United Nations Population Fund-United Nations Children's Fund Global Programme to Accelerate Action to End Child

¹ See *Official Records of the General Assembly, Seventy-second Session, Supplement No. 53* (A/72/53), chap. V, sect. A.

² Resolution 217 A (III).

³ See resolution 2200 A (XXI), annex.

⁴ United Nations, *Treaty Series*, vol. 1577, No. 27531.

⁵ *Ibid.*, vol. 1249, No. 20378.

⁶ *Ibid.*, vols. 2171 and 2173, No. 27531, and resolution 66/138, annex; and United Nations, *Treaty Series*, vol. 2131, No. 20378.

⁷ United Nations, *Treaty Series*, vol. 521, No. 7525.

⁸ A/CONF.157/24 (Part I), chap. III.

⁹ *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution I, annex.

¹⁰ *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution I, annexes I and II.

¹¹ See resolution 70/1.

Marriage, as well as international, regional, national and subnational instruments, mechanisms and initiatives to end child, early and forced marriage, including the African Union Campaign to End Child Marriage, the Regional Action Plan to End Child Marriage in South Asia, the Joint Inter-Agency Programme to End Child Marriage and Early Unions in Latin America and the Caribbean and the Southern African Development Community Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage, and further encouraging coordinated approaches to action at all levels,

Recognizing that child, early and forced marriage is a harmful practice that violates, abuses or impairs human rights and is linked to and perpetuates other harmful practices and human rights violations and that such violations have a disproportionately negative impact on women and girls, and underscoring the human rights obligations and commitments of States to promote and protect the human rights and fundamental freedoms of women and girls and to prevent and eliminate the practice of child, early and forced marriage,

Recognizing also that social protection, education, adequate health care, nutrition, full access to clean water, including safe drinking water, sanitation and hygiene, skills development and the combating of discrimination and violence against girls, among other things, are all necessary for the empowerment of the girl child,

Noting the recent progress made globally towards ending child, early and forced marriage, including a decrease in the proportion of girls who were married before age 18 in the past decade from one in four to approximately one in five, while expressing concern that, despite this global trend, progress has been uneven across regions and that the current pace of change is not sufficient to eliminate child, early and forced marriage by 2030,

Recognizing that, in some contexts, the practice of child, early and forced marriage may include arrangements that are not formalized, registered or recognized by a religious or State authority, that such arrangements should be addressed in policies and programmes on child, early and forced marriage and that the gathering of information on these arrangements will help to develop responses for affected girls and women,

Noting with concern that deep-rooted gender inequalities and stereotypes, harmful practices, perceptions and customs, and discriminatory norms are not only obstacles to the full enjoyment of human rights and the empowerment of all women and girls but are also among the root causes of child, early and forced marriage, and that the persistence of child, early and forced marriage places children, in particular the girl child, at greater risk of being exposed to and encountering various forms of discrimination and violence throughout their lives,

Noting with concern also that poverty, insecurity, early pregnancy and lack of education are also among the root causes of child, early and forced marriage, that armed conflict and humanitarian emergencies are among the exacerbating factors and that child, early and forced marriage remains common in rural areas and among the poorest communities, and recognizing that the immediate alleviation and eventual eradication of extreme poverty must remain a high priority for the international community,

Recognizing that child, early and forced marriage is underrecognized and underreported and often coincides with impunity and lack of accountability, particularly at the community level, and that the persistence of child, early and forced marriage places women and girls at greater risk of being exposed to and encountering various forms of discrimination and violence throughout their lives, including marital

rape and sexual, physical and psychological violence, and reinforces the lower status of girls and adolescent girls in society,

Recognizing also that child, early and forced marriage is a major impediment to the achievement of the economic empowerment of women and their social and economic development, thereby hampering the ability of women to enter, advance and remain in the labour market, and that this harmful practice can impede economic independence and impose direct and indirect short- and long-term costs on society, and further recognizing that the economic autonomy of women can expand their options for leaving abusive relationships,

Recognizing further that child, early and forced marriage undermines women's and girls' autonomy and decision-making in all aspects of their lives and that the empowerment of and investment in all women and girls, as well as the strengthening of their voice, agency, leadership and meaningful participation in all decisions that affect them are key factors in breaking the cycle of gender inequality and discrimination, violence and poverty, and are critical, inter alia, for sustainable development, peace, security, democracy and inclusive economic growth,

Bearing in mind the vital importance of birth registration for the realization of the human rights of individuals, especially girls,

Recognizing that men and boys should play a role as strategic partners and allies of women and girls and that their meaningful engagement can contribute to transforming discriminatory social norms that perpetuate gender-based violence, as well as child, early and forced marriage, ending this practice and achieving gender equality and the empowerment of women and girls,

Recognizing also that families, communities and religious, traditional and community leaders play an essential role in transforming negative social norms and confronting gender inequality, and recognizing further that empowering girls, including already married girls, requires their active participation in decision-making processes and as agents of change in their own lives and communities, including through women's and girls' organizations, with the active support and engagement of their parents, legal guardians, families and care providers, boys and men, as well as the wider community,

Recognizing further the need to support girls and women who were subjected to child, early and forced marriage, as well as their children, and underscoring the importance of removing structural barriers that prevent their access to services that respond to their specific needs,

Noting with concern that child, early and forced marriage disproportionately affects girls who have received little or no formal education and is itself a significant obstacle to educational opportunities and the development of employable skills for girls and young women, in particular girls who are forced to drop out of school owing to pregnancy, marriage, childbirth and/or childcare responsibilities, and that educational possibilities and opportunities are directly related to the empowerment of women and girls, their employment and economic opportunities and their active participation in economic, social and cultural development, governance and decision-making,

Noting with concern also that, despite gains in providing access to education, girls are still more likely than boys to remain excluded from primary and secondary education, and recognizing that the attendance of girls at school can be affected by negative perceptions of menstruation and lack of means to maintain safe personal hygiene, such as water, sanitation and hygiene facilities in schools that meet the needs of girls,

Recognizing that child, early and forced marriage remains a serious threat to multiple aspects of the physical and psychological health of women and girls, including but not limited to their sexual and reproductive health, significantly increasing the risk of early, frequent and unintended pregnancy, maternal and newborn mortality and morbidity, obstetric fistula and sexually transmitted infections, including HIV and AIDS, as well as increasing vulnerability to all forms of violence,

Recognizing also that the incidence and risk of child, early and forced marriage can increase during humanitarian emergencies, situations of forced displacement, armed conflict and natural disasters because of various factors, including insecurity, increased risks of sexual and gender-based violence, the misconception of providing protection through marriage, gender inequality, lack of access to continuous, quality education, the stigmatization of pregnancy outside marriage, the absence of family planning services, disruption in social networks and routines, increased poverty and the absence of livelihood opportunities, and that this requires increased attention, appropriate protection measures and coordinated action by relevant stakeholders, with the full and meaningful participation of the women and girls affected, from the early stages of humanitarian emergencies, and recognizing further the importance of addressing the increased vulnerability of women and girls to sexual and gender-based violence and exploitation in those situations,

Recognizing further that preventing and ending child, early and forced marriage and supporting married girls and women affected by this harmful practice require appropriate gender- and age-sensitive protection, prevention and response measures, as well as coordinated action by relevant stakeholders, and that existing gaps in the collection and use of reliable data and evidence remain a major challenge for programming and informing appropriate measures and actions,

1. *Takes note with appreciation* of the report of the Secretary-General;¹²
2. *Calls upon* States, with the participation of relevant stakeholders, including women and girls, men and boys, parents and other family members, teachers, religious, traditional and community leaders, civil society, organizations led by girls, women's organizations, youth and human rights groups, the media and the private sector, to develop and implement holistic, comprehensive and coordinated responses and strategies to prevent and eliminate child, early and forced marriage, to support girls and women who are affected or at risk, who have fled such a marriage or whose marriage has dissolved, and widowed girls or women who were married as girls, including through the strengthening of child protection systems, protection mechanisms such as safe shelters, access to justice and the sharing of best practices across borders;
3. *Also calls upon* States to develop and implement measures at all levels to end child, early and forced marriage, including national and subnational action plans where appropriate, and to make adequate resources available across relevant sectors, including health, nutrition, protection, governance and education;
4. *Urges* States to enact, enforce and uphold laws and policies aimed at preventing and ending child, early and forced marriage, protecting those at risk and addressing the needs of those affected, and work towards the coherence of these laws and policies at the local level, to ensure that marriage is entered into only with the informed, free and full consent of the intending spouses;
5. *Calls upon* States to enact, enforce and uphold laws concerning a minimum age of marriage, to monitor their application and to progressively amend

¹² A/73/257.

laws with lower minimum ages of marriage and/or ages of majority to 18 and engage all relevant authorities to ensure that these laws are well known;

6. *Urges States to repeal or amend laws and remove any provisions that enable perpetrators of rape, sexual abuse or abduction to escape prosecution and punishment by marrying their victims;*

7. *Calls upon States to strengthen their efforts to ensure the timely registration of births and marriages, especially for individuals living in rural and remote areas, including by identifying and removing all physical, administrative, procedural and any other barriers that impede access to registration and by providing, where lacking, mechanisms for the registration of customary and religious marriages;*

8. *Also calls upon States to promote the meaningful participation of and active consultation with children and adolescents, including already married girls, on all issues affecting them, and to raise awareness about their rights, including the negative impact of child, early and forced marriage, through safe spaces, forums and support networks, including in digital spaces, that provide information, life skills and leadership skills training and opportunities, including catch-up and literacy education, and lifelong learning opportunities, remote learning opportunities and childcare as needed, to be empowered, to express themselves, to participate meaningfully in all decisions that affect them and to become agents of change within their communities;*

9. *Further calls upon States to promote awareness-raising about the harmful effects of child, early and forced marriage on the individual and wider society and the benefits of ending this harmful practice, including through open dialogue with all stakeholders, including girls and boys, women and men, religious, traditional and community leaders, parents, legal guardians and other family members, to work with local communities to combat negative social norms and gender stereotypes that condone child, early and forced marriage, to empower parents and communities to abandon the practice and to empower all women and girls to make informed decisions about their lives;*

10. *Recognizes that the child, for the full and harmonious development of his or her personality, should grow up in a family environment and in an atmosphere of happiness, love and understanding and that parents or, as the case may be, legal guardians have the primary responsibility for the upbringing and development of the child, acknowledging the need to support their capacity to prevent and eliminate child, early and forced marriage, and reaffirming that the best interests of the child will be their basic concern;*

11. *Urges Governments, while addressing child, early and forced marriage, to confront family poverty and social exclusion through investing in family-oriented policies addressing the multidimensional aspects of poverty, focusing on education, health, employment, social security, livelihoods and social cohesion, paying special attention to gender-sensitive social protection measures, child allowances for parents and pension benefits for older persons and protecting, supporting and empowering children, including girls, in child-headed households;*

12. *Also urges Governments, with the collaboration of relevant stakeholders, to tackle poverty, lack of economic opportunities for women and girls, and other entrenched economic incentives that act as drivers of child, early and forced marriage, including by ensuring the rights of women and girls to inheritance and property, their equal access with men and boys to social protection, childcare services and direct financial services, to encourage girls to continue their education, including through their re-enrolment in school after childbirth, to develop livelihood opportunities through access to technical and vocational education and training and life skills education, including financial literacy, and to promote freedom of movement,*

women's equal access to full and productive employment and decent work, as well as equal political participation and rights to inherit, own and control land and productive measures;

13. *Encourages* States to promote and protect the human rights of already married girls and women affected by this harmful practice, to promote equality in all aspects of marriage and its dissolution and to address their specific needs, such as through targeted programmes that provide social services to protect them from sexual and gender-based violence, increase their decision-making power, make it easier for them to seek formal employment, increase their economic independence and financial literacy, access education, skills development programmes and lifelong learning opportunities, ensure their equal access to health-care services and information, and decrease their social isolation, including by establishing or strengthening childcare services and working with communities to change discriminatory social norms;

14. *Calls upon* States to promote and protect the right of women and girls to equal access to education through enhanced emphasis on free and quality primary and secondary education, including catch-up and literacy education for those who have not received formal education, have left school early or were forced to leave school, including because of marriage, pregnancy, childbirth and/or childcare responsibilities, which empowers young women and girls to make informed decisions about their lives, employment, economic opportunities and health, including through scientifically accurate and age-appropriate comprehensive education that is relevant to cultural contexts, that provides adolescent girls and boys and young women and men, in and out of school, consistent with their evolving capacities, and with appropriate direction and guidance from parents and legal guardians, with the best interests of the child as their basic concern, information on sexual and reproductive health and HIV prevention, gender equality and the empowerment of women, human rights, physical, psychological and pubertal development and power in relationships between women and men, to enable them to build self-esteem and foster informed decision-making, communication and risk reduction skills and to develop respectful relationships, in full partnership with young persons, parents, legal guardians, caregivers, educators and health-care providers, in order to contribute to ending child, early and forced marriage;

15. *Recognizes* that education is one of the most effective ways to prevent and eliminate child, early and forced marriage and to help married women and girls make informed decisions about their lives, and urge States to remove barriers to education, including by investing in quality primary and secondary education for every child in a safe environment, through adequate financing, ensuring that married girls and boys, pregnant girls and women and young parents continue to have access to schooling, improving access to quality formal education and skills development, especially for those living in remote or insecure areas, improving the safety of girls at and on the way to and from school, providing safe and adequate sanitation, including for menstrual hygiene management, adopting and implementing laws and policies to prohibit, prevent and address violence and to hold perpetrators accountable, strengthening and intensifying their efforts to implement effective violence prevention and response activities in schools and communities, engaging men and boys, community leaders and parents, educating children from a young age regarding their human rights and the importance of treating all people with dignity and respect, and designing educational programmes and teaching materials that support respectful relationships, non-violent behaviours, gender equality and empowerment of women and girls;

16. *Encourages* States to adopt, as appropriate, and implement inclusive policies and programmes to promote technical and vocational training and skills development and lifelong learning opportunities, including in science, technology,

engineering and mathematics and in information and communications technology, as well as higher educational opportunities for women and girls, including those at risk of or affected by child, early and forced marriage, so as to enable them to gain the knowledge, attitudes and skills that they need to fulfil their full potential;

17. *Urges* Governments to promote, respect and protect the right to the enjoyment of the highest attainable standard of physical and mental health through the development and enforcement of policies and legal frameworks and the strengthening of health systems, including health information systems, that make universally accessible and available quality, gender-responsive, adolescent-friendly health services, sexual and reproductive health-care services, information and commodities, HIV and AIDS prevention, testing, treatment and care, mental health services and nutrition interventions and prevention, treatment of and care for obstetric fistula and other obstetric complications by providing the continuum of services, including family planning, prenatal and postnatal care, skilled birth attendance, emergency obstetric care and post-partum care;

18. *Also urges* Governments to promote and protect the human rights of all women and girls, including the right of women, and those girls who have been subjected to child, early and forced marriage, to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and to adopt and accelerate the implementation of laws, policies and programmes that protect and enable the enjoyment of all human rights and fundamental freedoms, including reproductive rights, in accordance with the Programme of Action of the International Conference on Population and Development,⁹ the Beijing Platform for Action¹⁰ and the outcome documents of their review conferences;

19. *Urges* States to formulate or review, as needed, appropriate policies, programmes or strategies in order to prevent and eliminate child, early and forced marriage, and address discrimination and violence, including domestic violence, which may occur against women and girls subjected to child, early and forced marriage, as well as strengthen child protection systems and provide targets and timetables for implementation;

20. *Also urges* States to ensure access to justice and accountability mechanisms and remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating child, early and forced marriage, including by informing women, girls and boys about their rights under relevant laws, including in marriage and at its dissolution, improving legal infrastructure, removing all barriers to access to legal counselling, assistance and remedies, training law enforcement officers, the judiciary and professionals working with women and children and ensuring oversight of the handling of cases of child, early and forced marriage;

21. *Calls upon* States to develop and implement, in consultation with and with the participation of women and, as appropriate, girls, and integrate into humanitarian responses, from the early stages of humanitarian emergencies, measures to address the increased vulnerability of women and girls to child, early and forced marriage, and to protect women and girls from sexual and gender-based violence and exploitation during humanitarian emergencies, situations of forced displacement, armed conflict and natural disaster, including by ensuring their access to such services as health and education, as well as strengthening follow-up and interventions to prevent and eliminate child, early and forced marriage in humanitarian settings, as well as to address the needs of those affected;

22. *Encourages* relevant United Nations entities and agencies, regional and subregional organizations, within their respective mandates, civil society and other relevant actors and human rights mechanisms to continue to collaborate among

themselves and with Member States in developing and implementing strategies and policies at the national, regional and international levels to prevent and eliminate child, early and forced marriage, as well as to support those who were married as children;

23. *Encourages* relevant United Nations entities and agencies, regional and subregional organizations, the international financial institutions, civil society and other relevant actors and human rights mechanisms to continue to collaborate with Member States and national statistical agencies in order to assist in strengthening and building capacity for data and reporting systems for analysing, monitoring and publicly reporting on progress to end child, early and forced marriage based on evidence;

24. *Affirms the need* for States to improve the collection and use of quantitative, qualitative and comparable data on violence against women and harmful practices, disaggregated by sex, age, disability, civil status, race, ethnicity, migratory status, geographical location, socioeconomic status, education level and other key factors, as appropriate, to enhance research and dissemination of evidence-based and good practices relating to the prevention and elimination of child, early and forced marriage and to strengthen monitoring and impact assessment of existing policies and programmes as a means of ensuring their effectiveness and implementation;

25. *Encourages* the international community to fulfil its commitment in supporting developing countries, particularly African countries, least developed countries, small island developing States and landlocked developing countries, in strengthening the capacity of national statistical offices and data systems to ensure access to high-quality, timely, reliable and disaggregated data while ensuring national ownership in supporting and tracking progress, including in the context of child, early and forced marriage;

26. *Encourages* Governments to include information on progress towards eliminating child, early and forced marriage, including best practices and implementation efforts, in their national reports to relevant international treaty bodies and the universal periodic review and within the national voluntary reviews conducted through the high-level political forum on sustainable development;

27. *Requests* the Secretary-General to submit a comprehensive report to the General Assembly, based on evidence, before the end of its seventy-fourth session, on progress towards ending child, early and forced marriage worldwide, best practices for programmes aimed at ending the practice and supporting already married girls and women affected by this practice, including girls' and women's empowerment programmes, gaps in funding, research and data collection, using information provided by Member States, United Nations bodies, agencies, funds and programmes, civil society and other relevant stakeholders;

28. *Invites* the Commission on the Status of Women to consider child, early and forced marriage, among other issues, at its sixty-fourth session in 2020, to coincide with the twenty-fifth anniversary of the Fourth World Conference on Women;

29. *Decides* to consider the issue of child, early and forced marriage at its seventy-fifth session under the item entitled "Promotion and protection of the rights of children", taking into account the multifaceted and worldwide nature of this issue.

Draft resolution II

Protecting children from bullying

The General Assembly,

Recalling its resolutions 69/158 of 18 December 2014 and 71/176 of 19 December 2016 on protecting children from bullying, all its previous resolutions on the rights of the child and the resolutions adopted by the Human Rights Council that are relevant to the protection of children from bullying,

Reaffirming the Convention on the Rights of the Child,¹ and emphasizing that it constitutes the standard in the promotion and protection of the rights of the child and that States parties to the Convention shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized therein,

Recalling the United Nations Declaration on Human Rights Education and Training,² the United Nations Educational, Scientific and Cultural Organization Declaration of Principles on Tolerance,³ and the United Nations Educational, Scientific and Cultural Organization Convention against Discrimination in Education,⁴

Welcoming the 2030 Agenda for Sustainable Development in its entirety,⁵ especially the Goals and targets aimed at ending abuse, exploitation, trafficking and all forms of violence against and torture of children, and at building and upgrading education facilities that are child-, disability- and gender-sensitive and provide safe, non-violent, inclusive and effective learning environments for all children, and underscoring the importance of its implementation for ensuring the enjoyment of the rights of the child,

Recognizing that the thirtieth anniversary of the Convention on the Rights of the Child, the review by the high-level political forum on sustainable development of Goals 4 and 16, as well as the first global review by the General Assembly of the implementation of the 2030 Agenda for Sustainable Development in 2019, each present strategic opportunities to reinforce action and accelerate progress towards the prevention and elimination of bullying and of all forms of violence against children,

Welcoming the submission of the information on national implementation efforts for the report of the Secretary-General,⁶ and taking note of the report, as well as of the conclusions and recommendations contained therein,

Recognizing the importance of international, regional and bilateral multi-stakeholder partnerships and initiatives to advance the effective protection and promotion of the rights of the child and the elimination of violence against children, including all forms of bullying, and in this regard noting with appreciation the efforts of, inter alia, the Global Partnership to End Violence against Children and the WeProtect Global Alliance,

Noting the organization of expert consultations at the regional level, promoted by Member States, in order to raise awareness of the impact of bullying on the rights

¹ United Nations, *Treaty Series*, vol. 1577, No. 27531.

² Resolution 66/137, annex.

³ See A/51/201, annex, appendix I.

⁴ United Nations, *Treaty Series*, vol. 429, No. 6193.

⁵ Resolution 70/1.

⁶ A/73/265.

of the child and to share experiences and best practices, as outlined in the report of the Secretary-General,

Welcoming the development of national and subnational action plans and awareness-raising campaigns and the enactment of legislation by several Member States to prevent and respond to school violence and bullying, including cyberbullying,

Recognizing that bullying, including cyberbullying, can take both direct and indirect forms, from acts of physical, verbal, sexual and relational violence or aggression to social exclusion, including from peer to peer, which can inflict physical, psychological and social harm, and that, although rates differ from country to country, bullying, online or in person has a negative impact on the fulfilment of the rights of the child and is among children's main concerns, affecting a high percentage of children and compromising their health, emotional well-being and academic work, and acknowledging the need to prevent and eliminate bullying among children,

Recognizing also the importance of generating appropriate statistical information and data on bullying, disaggregated by income, sex, age, race, ethnicity, migration status, disability and geographic location and other characteristics relevant in national contexts,

Concerned about the occurrence of bullying in all parts of the world and the fact that children who are victimized by such practices may be at heightened risk of compromising their health, emotional well-being and academic work and for a wide range of emotional and/or physical problems, as well as potential long-term effects on the individual's ability to realize his or her own potential,

Concerned also that bullying is associated with long-lasting consequences that continue on into adulthood,

Noting with concern that children who are marginalized or vulnerable, who face stigmatization, discrimination or exclusion, are disproportionately affected by bullying, both in person and online,

Recognizing that bullying often includes a gender dimension and is associated with gender-based violence and stereotyping that negatively affects both boys and girls,

Noting the risks associated with the use of new information and communications technologies and applications, including increased vulnerability to bullying, while stressing that they can create new ways to enhance education and, inter alia, foster learning and teaching on the rights of the child and can be useful tools to promote children's protection, including with appropriate guidance from parents and legal guardians, with the best interests of the child as a primary consideration,

Noting also the role that information and communications technologies play in reducing the risk of sexual exploitation and abuse, including by empowering children to report such abuses,

Recalling the obligations of States Parties to the Convention on the Rights of the Child to ensure that parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child as well as to take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child, and recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Acknowledging the distinct and important roles that parents, legal guardians, schools, civil society, sports associations, communities, State institutions and traditional and non-traditional media each play in securing children's protection from the risks associated with bullying, including cyberbullying, and in preventing all forms of violence, including by promoting children's online safety,

Recognizing that early childhood is a critical stage for cognitive, emotional and behavioural development and that the parent-child relationship is a significant factor in predicting bullying behaviour in adolescents, as well as the existing evidence of a link between domestic violence and bullying in schools,

Emphasizing that evidence-based initiatives to strengthen children's life skills and respect for human rights, tolerance, concern for others and the responsibility to foster safety, as well as whole-school and whole-community programmes that fully respect all human rights and help to prevent and address bullying, constitute best practices that should be developed, strengthened and shared through international cooperation,

Acknowledging that children are uniquely placed to inform effective solutions and responses to bullying, underlining that children's participation and their contributions, including their views and recommendations, therefore need to be at the centre of efforts to prevent and address bullying and that their effective and meaningful participation is critical to a clear understanding of bullying and its impacts,

1. *Calls upon* Member States:

(a) To continue to take all appropriate measures to prevent and protect children, including in school, from any form of violence, including forms of bullying, by promptly responding to such acts, and to provide appropriate support to children affected by and involved in bullying;

(b) To continue to promote and invest in education, including as a long-term and lifelong process by which everyone learns tolerance and respect for the dignity of others and the means and methods of ensuring such respect in all societies;

(c) To address, through necessary measures, the wider economic and social inequalities that may contribute to bullying, including, poverty, gender norms and stereotypes, taking into account that risk factors are mixed and vary depending on country and context;

(d) To develop and implement, as appropriate, measures and restorative practices to repair harm, restore relationships, avoid recidivism, promote the accountability of perpetrators and change aggressive behaviour;

(e) To generate and analyse statistical information and data disaggregated by sex, age and other characteristics relevant in national contexts, and to provide information on disability, with regard to the problem of bullying, as a basis on which to elaborate effective public policies;

(f) To adopt and strengthen, as appropriate, clear and comprehensive measures, including, where relevant, legislation, that seek to prevent and protect children from bullying, including cyberbullying, and provide for safe and child-sensitive counselling and reporting procedures and safeguards for the rights of affected children;

(g) To strengthen the capacities of schools and the skills of professionals working with children in early detection and response to prevent and respond to bullying, including cyberbullying, in particular initiatives to mobilize support to

prevent and address this phenomenon, and to ensure that children are informed of any existing public policies to secure their protection;

(h) To continue to raise public awareness, involving family members, legal guardians, caregivers, young people, schools, formal and non-formal education settings, communities, community leaders, the media, sports organizations, athletes, parents and coaches, as well as civil society organizations, with the participation of children, regarding the protection of children from bullying;

(i) To develop parenting and other skills programmes for parents, legal guardians and family members, together with social protection interventions that help to promote a nurturing family environment, reduce the risk of social exclusion and deprivation, prevent family stress and tackle negative social norms that contribute to violence against children and bullying;

(j) To involve and provide children with the opportunity to participate effectively in the development of initiatives to prevent and address bullying, including available support services and safe, accessible, age- and child-sensitive, confidential and independent counselling and reporting mechanisms, guide them in promoting inclusive and responsible digital behaviour and inform them of available mental and physical health-care services and procedures in place to support them, where they exist, and encourages Member States to make such support services available, as much as possible;

(k) To pay particular attention to children in vulnerable situations, including through efforts to promote mutual respect and tolerance for diversity in order to overcome stigmatization, discrimination or exclusion;

(l) To continue to share national experiences and best practices for preventing and tackling bullying, including cyberbullying;

2. *Encourages* Member States to continue to share with the Secretary-General, through existing processes and mechanisms, information about any initiatives undertaken at the national or subnational level to prevent and address bullying, including cyberbullying, to promote peaceful social interaction with a view to assessing progress, and to make use of the results achieved;

3. *Also encourages* Member States that have not yet done so, to adopt appropriate measures, such as plans of action on the prevention of and response to bullying, to implement them effectively and assess progress in children's protection, drawing on the experience of Member States, the United Nations, regional organizations, academia and civil society actors;

4. *Calls upon* Member States, with assistance from relevant intergovernmental and non-governmental organizations, to support victims of bullying with access to evidence-based, quality programmes, care and counselling for their physical, psychological and social recovery, as well as psychological care and trauma counselling, rehabilitation and social reintegration;

5. *Welcomes* the continued collaboration of the Special Representative of the Secretary-General on Violence against Children with human rights bodies and mechanisms, within their respective mandates, including the special procedures mandate holders of the Human Rights Council, in order to support efforts to prevent and address violence against children, including bullying;

6. *Invites* the Secretary-General, to facilitate further international efforts, in collaboration with Member States, to continue to raise awareness of the impact of bullying, on the basis of evidence, including through existing initiatives of United Nations specialized agencies, funds and programmes.

Draft resolution III Rights of the Child

The General Assembly,

Reaffirming the importance of its resolution 44/25 of 20 November 1989, by which it adopted the Convention on the Rights of the Child,¹ which constitutes the standard in the promotion and protection of the rights of the child, reaffirming also that States parties to the Convention shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized therein, while bearing in mind the importance of the Optional Protocols to the Convention² and calling for their universal ratification and effective implementation, as well as that of other human rights instruments,

Recalling all of its previous resolutions on the rights of the child, the most recent of which was resolution 72/245 of 24 December 2017, and recalling all other relevant resolutions, including 71/176 of 19 December 2016 on protecting children from bullying,

Reaffirming the Universal Declaration of Human Rights,³ which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, and noting that the year 2018 marks its seventieth anniversary,

Recalling the International Covenant on Civil and Political Rights,⁴ the International Covenant on Economic, Social and Cultural Rights,⁴ the Convention on the Rights of Persons with Disabilities,⁵ the International Convention for the Protection of All Persons from Enforced Disappearance,⁶ the 1951 Convention relating to the Status of Refugees⁷ and the 1967 Protocol thereto,⁸ the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,⁹ the United Nations Convention against Transnational Organized Crime¹⁰ and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,¹¹ the Convention on the Elimination of All Forms of Discrimination against Women,¹² and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,¹³ as well as both the Minimum Age Convention, 1973 (No. 138),¹⁴ and the Worst Forms of Child Labour Convention, 1999 (No. 182),¹⁵ of the International Labour Organization,

Reaffirming that the general principles of the Convention on the Rights of the Child, including the best interests of the child, non-discrimination, participation and survival and development, provide the framework for actions concerning children,

¹ United Nations, *Treaty Series*, vol. 1577, No. 27531.

² *Ibid.*, vols. 2171 and 2173, No. 27531; and resolution 66/138, annex.

³ Resolution 217 A (III).

⁴ See resolution 2200 A (XXI), annex.

⁵ United Nations, *Treaty Series*, vol. 2515, No. 44910.

⁶ *Ibid.*, vol. 2716, No. 48088.

⁷ *Ibid.*, vol. 189, No. 2545.

⁸ *Ibid.*, vol. 606, No. 8791.

⁹ *Ibid.*, vol. 2220, No. 39481.

¹⁰ *Ibid.*, vol. 2225, No. 39574.

¹¹ *Ibid.*, vol. 2237, No. 39574.

¹² *Ibid.*, vol. 1249, No. 20378.

¹³ *Ibid.*, vol. 1465, No. 24841.

¹⁴ *Ibid.*, vol. 1015, No. 14862.

¹⁵ *Ibid.*, vol. 2133, No. 37245.

Reaffirming also the Vienna Declaration and Programme of Action,¹⁶ the United Nations Millennium Declaration¹⁷ and the outcome document of the twenty-seventh special session of the General Assembly on children, entitled "A world fit for children",¹⁸ recalling the Beijing Declaration and Platform for Action,¹⁹ the Programme of Action of the International Conference on Population and Development²⁰ and the outcome documents of their review conferences, the Copenhagen Declaration on Social Development²¹ and the Programme of Action of the World Summit for Social Development,²² the Declaration on Social Progress and Development, the Universal Declaration on the Eradication of Hunger and Malnutrition,²³ the United Nations Declaration on the Rights of Indigenous Peoples²⁴ and the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples,²⁵ the Declaration on the Right to Development,²⁶ the Declaration of the commemorative high-level plenary meeting devoted to the follow-up to the outcome of the special session on children, held in New York from 11 to 13 December 2007,²⁷ the outcome document, entitled "The future we want", adopted at the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, from 20 to 22 June 2012,²⁸ and the outcome document of the fourth Global Conference on the Sustained Eradication of Child Labour, held in Buenos Aires from 14 to 16 November 2017 and the outcome documents of previous Global Conferences, and recalling also the World Congresses against Sexual Exploitation of Children and Adolescents, the Global Action Programme on Education for Sustainable Development²⁹ and the World Education Forum 2015, held in Incheon, Republic of Korea, from 19 to 22 May 2015,

Underscoring the importance of the implementation of the 2030 Agenda for Sustainable Development³⁰ in ensuring the enjoyment of the rights of the child,

Welcoming the work undertaken on the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration, to be considered for adoption in 2018, and recalling the importance of protecting the human rights and fundamental freedoms of all refugee and migrant children, with the best interests of the child as a primary consideration,

Taking note of the reports of the Secretary-General on progress made towards achieving the commitments set out in the outcome document of the twenty-seventh special session of the General Assembly³¹ and on the status of the Convention on the Rights of the Child and the issues addressed in resolution 72/245,³² as well as the

¹⁶ A/CONF.157/24 (Part I), chap. III.

¹⁷ Resolution 55/2.

¹⁸ Resolution S-27/2, annex.

¹⁹ *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution I, annexes I and II.

²⁰ *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution I, annex.

²¹ *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution I, annexes I and II.

²² See resolution 2542 (XXIV).

²³ *Report of the World Food Conference, Rome, 5-16 November 1974* (United Nations publication, Sales No. E.75.II.A.3), chap. I.

²⁴ Resolution 61/295, annex.

²⁵ Resolution 69/2.

²⁶ Resolution 41/128, annex.

²⁷ Resolution 62/88.

²⁸ Resolution 66/288, annex.

²⁹ See A/69/76, annex, enclosure 2.

³⁰ Resolution 70/1.

³¹ A/73/223.

³² A/73/272.

report of the Special Representative of the Secretary-General on Violence against Children,³³ the report of the Special Representative of the Secretary-General for Children and Armed Conflict,³⁴ the report of the Special Rapporteur of the Human Rights Council on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material,³⁵ and the report of the Special Rapporteur of the Council on trafficking in persons, especially women and children,³⁶ whose recommendations should be carefully studied, taking fully into account the views of Member States.

Reaffirming that States have the primary responsibility to respect, promote and protect all human rights and fundamental freedoms, including the rights of the child,

Acknowledging the important role played by national governmental and local structures for children, including, where they exist, ministries and institutions in charge of child, family and youth issues and independent ombudspersons for children or other national institutions for the promotion and protection of the rights of the child,

Recognizing that the family has the primary responsibility for the nurturing and protection of children, in the best interests of the child, and that children, for the full and harmonious development of their personality, should grow up in a family environment and in an atmosphere of happiness, love and understanding,

Noting with appreciation the work to promote and protect the rights of the child carried out by all relevant organs, bodies, entities and organizations of the United Nations system, within their respective mandates, by relevant mandate holders and special procedures of the United Nations and by relevant regional organizations, where appropriate, and intergovernmental organizations, and recognizing the valuable role of national human rights institutions and civil society, including non-governmental organizations,

Noting the convening of international, regional and national meetings aimed at eliminating all forms of violence against children, including all violent punishment of children, and encouraging additional efforts in this regard,

Recognizing the importance of international, regional and bilateral multi-stakeholder partnerships and initiatives to advance the effective protection and promotion of the rights of the child and the elimination of violence against children,

Taking note of efforts aimed at promoting and protecting the right to education and facilitate the continuation of education in situations of armed conflict,

Profoundly concerned that the situation of children in many parts of the world remains critical, in an increasingly globalized environment, as a result of the persistence of poverty, social inequality, inadequate social and economic conditions, gender inequality, pandemics, in particular HIV/AIDS, malaria, cholera and tuberculosis, fetal alcohol spectrum disorders and neonatal abstinence syndrome, non-communicable diseases, lack of access to safe drinking water and sanitation, environmental damage, climate change, natural disasters, armed conflict, foreign occupation, displacement, famine, violence, terrorism, abuse, all forms of exploitation, including the commercial sexual exploitation of children, for purposes such as child prostitution, child pornography and other child sexual abuse material, child sex tourism, trafficking in children, including for purposes of labour and sexual exploitation, organ removal and the transfer of organs of the child for profit, neglect,

³³ A/73/276.

³⁴ A/73/278.

³⁵ A/73/174 and A/73/174/Corr.1.

³⁶ A/73/171.

illiteracy, hunger, intolerance, discrimination, racism, xenophobia, inadequate protection and inadequate access to justice, and convinced that urgent and effective national and international action is called for,

Profoundly concerned also that the situation of children in many parts of the world remains negatively affected by the prolonged effects of poverty and inequality, reaffirming that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development, recognizing the impact of poverty beyond the socioeconomic context and the intrinsic interlinkage between poverty eradication and the promotion of sustainable development, in this regard underlining the importance of the implementation of the 2030 Agenda for Sustainable Development, and recognizing that a strong focus is needed on poverty, deprivation and inequality to prevent and protect children from all forms of violence and to promote the resilience of children, their families and their communities,

Deeply concerned that children disproportionately suffer the consequences of discrimination, exclusion, inequality and poverty,

Profoundly concerned that children in many parts of the world remain negatively affected by the adverse impacts of climate change, including persistent drought and extreme weather events, land degradation, sea level rise, coastal erosion and ocean acidification, which further threaten health, food security and efforts to eradicate poverty and achieve sustainable development, and in this regard calling for the implementation of the Paris Agreement³⁷ adopted under the United Nations Framework Convention on Climate Change,

Recognizing that the risk of maternal mortality is highest for girls under 15 years of age and that complications in pregnancy and childbirth are a leading cause of death among girls under 15 years of age in many countries,

Expressing concern that children with disabilities, particularly girls, face stigmatization, discrimination or exclusion and are disproportionally subjected to mental and physical violence and sexual abuse in all settings,

I

Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto

1. *Reaffirms* paragraphs 1 to 5 of its resolution 71/177 and that the general principles of, inter alia, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children;
2. *Urges* States that have not yet done so to consider becoming parties to the Convention on the Rights of the Child¹ and the Optional Protocols thereto² as a matter of priority and to implement them effectively and fully, and encourages further efforts by the Secretary-General in this regard;
3. *Urges* States parties to withdraw reservations that are incompatible with the object and purpose of the Convention or the Optional Protocols thereto and to consider reviewing regularly other reservations with a view to withdrawing them in accordance with the Vienna Declaration and Programme of Action;¹⁶
4. *Takes note* of the work of the Special Representatives of the Secretary-General on Violence against Children and for Children and Armed Conflict and the Special Rapporteur of the Human Rights Council on the sale and sexual exploitation

³⁷ See FCCC/CP/2015/10/Add.1, decision 1/CP.21, annex.

of children, including child prostitution, child pornography and other sexual abuse material, and the Committee on the Rights of the Child, and, in this regard, their contribution to the progress achieved in the promotion and protection of the rights of children;

II

Promotion and protection of the rights of the child and non-discrimination against children

Non-discrimination

5. *Reaffirms* paragraphs 6 to 10 of its resolution 71/177, and calls upon States to ensure the enjoyment by all children of all their civil, political, economic, social and cultural rights without discrimination of any kind;

6. *Notes with concern* the large number of children belonging to national, ethnic, religious and linguistic minorities, migrant children, refugee or asylum-seeking children, internally displaced children, children of African descent and children of indigenous origin who are victims of discrimination, including racism, racial discrimination, xenophobia and related intolerance, stresses the need to incorporate special measures, in accordance with the principle of the best interests of the child and respect for his or her views and the child's gender-specific needs, including children with disabilities, in education programmes and programmes to combat these practices, and calls upon States to provide special support and to ensure equal access to services for those children;

7. *Calls upon* all States:

(a) To ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms, on an equal basis with other children, in recognition that discrimination against any child on the basis of disability is a violation of the inherent dignity and worth of the child, to enhance inclusion and address barriers faced by children with disabilities, including addressing discriminatory, attitudinal and environmental barriers to their participation and inclusion in society and in the community, and to develop gender- and age-sensitive policies and capacities to ensure the rights and address the particular needs of children, including migrant children, children without parental care, children in street situations and child victims of trafficking, and those affected by climate change, and prevent and respond to cases of gender-based violence;

(b) To take all necessary and effective measures to prevent and eliminate all forms of discrimination against girls and all forms of violence, including female infanticide and prenatal sex selection, rape, sexual abuse and harmful practices, including female genital mutilation, child, early and forced marriage, and forced sterilization, by enacting and enforcing legislation and, where appropriate, by formulating comprehensive, multidisciplinary and coordinated national plans, programmes or strategies to protect girls, as well as by promoting awareness-raising and social mobilization initiatives for the protection of their rights;

(c) To respect and promote the right of girls and boys to express themselves freely and their right to be heard, to ensure that their views are given due weight, in accordance with their age and level of maturity, in all matters affecting them and to involve children, including children with disabilities, in decision-making processes, taking into account the evolving capacities of children and the importance of involving children's organizations and child-led initiatives;

Registration, family relations, adoption and alternative care

8. *Reaffirms* paragraphs 11 and 12 of its resolution 71/177, and urges all States parties to intensify their efforts to comply with their obligations under the Convention on the Rights of the Child to preserve the identity of children, including their nationality, name and family relations, as recognized by law, to protect children in matters relating to birth registration, family relations and adoption or other forms of alternative care, recognizing that every effort should be directed to enabling children to remain in or swiftly return to the care of their parents or, when appropriate, other close family members and that, where alternative care is necessary, family and community-based care should be promoted over placement in institutions;

9. *Recalls* every child's right to be registered immediately after birth, to a name, to acquire a nationality and to recognition everywhere as a person before the law, as set out in the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights,³⁸ respectively, reminds States of their obligation to ensure the registration of the birth of all children without discrimination of any kind, including in the case of late birth registration, calls upon States to ensure that birth registration procedures are universal, accessible, simple, expeditious and effective and provided at minimal or no cost, and recognizes the importance of birth registration as a critical means of preventing statelessness;

10. *Encourages* States to take into account the Guidelines for the Alternative Care of Children,³⁹ to adopt and enforce laws and to improve the implementation of policies and programmes, budget allocation and human resources to support children, particularly children living in disadvantaged and marginalized families, to ensure that they are cared for effectively by their own families and communities, and to protect children growing up without parents or caregivers; where alternative care is necessary, decision-making should be in the best interests of the child, in full consultation with the child, as age appropriate, and with the child's legal guardians;

11. *Calls upon* States to take all measures necessary to prevent and combat illegal adoptions and all adoptions that are not in the best interests of the child;

Economic and social well-being of children

12. *Reaffirms* paragraphs 13 to 15 of its resolution 71/177, calls upon all States and the international community to create an enabling environment in which the well-being of the child is ensured, including by strengthening international cooperation in this field and by implementing their commitments, including the Sustainable Development Goals,³⁰ and reaffirms that investment in children, especially for early childhood development, has high economic and social returns and that all related efforts to ensure that resources allocated and spent for children, especially on children's education and health, should serve as a means for the fulfilment of the rights of the child;

Eradication of poverty

13. *Calls upon* all States and the international community to cooperate, support and participate in the global efforts for poverty eradication, to mobilize all necessary resources and support in that regard, according to national plans and strategies, including through an integrated and multifaceted approach based on the rights and well-being of children, and to accelerate their efforts to realize the internationally agreed development and poverty eradication goals, including the Sustainable Development Goals, within their time framework, and reaffirms that

³⁸ Resolution 64/142, annex.

investments in children and the realization of their rights are among the most effective ways to eradicate poverty;

14. *Urges* States to improve the situation of children living in poverty, in particular extreme poverty, deprived of adequate food and nutrition, water and sanitation facilities, with limited or no access to basic physical and mental health-care services, shelter, education, participation and protection, taking into account that, while a severe lack of goods and services hurts every human being, it is particularly threatening and harmful to children, leaving them unable to enjoy their rights, to reach their full potential and to participate as full members of society, and exposed to conditions that lead to increased violence;

Right to education

15. *Recalls* paragraphs 37 to 50 of its resolution 70/137 and recalls that education is a fundamental human right and a basis for guaranteeing the realization of other human rights and that it is essential for sustainable development and the promotion of peace and tolerance, as well as key to achieving full employment and poverty eradication;

16. *Calls upon* all States to take all appropriate measures to eliminate obstacles to effectively accessing and completing education, such as education that is unaffordable, hunger and poor nutrition, the distance from home to school, the institutionalization of children, armed conflicts, all forms of violence in school, insufficient infrastructure, including lack of access to water and sanitation, the lack of adequate and physically and otherwise safe and accessible schooling facilities for girls and child labour or heavy domestic work, and to ensure that children who are institutionalized also enjoy their right to education;

17. *Urges* all States to take all appropriate measures to eliminate discrimination against girls in the field of education and to ensure equal access for all girls to all levels of education, including through gender-responsive policies and programmes, improving the safety of girls on the way to and from school, taking steps to ensure that all schools are accessible, safe, secure and free from violence and providing separate and adequate sanitation facilities that provide privacy and dignity, thereby contributing to achieving equal opportunity and combating exclusion and ensuring school attendance, including for girls as well as for children from low-income families, children who become heads of households and girls who are already married or pregnant;

18. *Calls upon* States to scale up scientifically accurate and age-appropriate comprehensive education, relevant to cultural contexts, that provides adolescent girls and boys and young women and men, in and out of school, consistent with their evolving capacities, and with appropriate direction and guidance from parents and legal guardians, with the best interests of the child as their basic concern, with information on sexual and reproductive health and HIV prevention, gender equality and women's empowerment, human rights, physical, psychological and pubertal development and power in relationships between women and men, to enable them to build self-esteem and foster informed decision-making, communication and risk-reduction skills and to develop respectful relationships, in full partnership with young people, parents, legal guardians, caregivers, educators and health-care providers, in order to, inter alia, enable them to protect themselves from HIV infection and other risks;

19. *Reaffirms* the right to education on the basis of equal opportunity and non-discrimination, and calls upon States to make primary education compulsory, inclusive and available free to all children, ensuring that all children have equal access to education of good quality, making secondary education generally available and

accessible to all, in particular through the progressive introduction of free education, bearing in mind that special measures to ensure equal access, including affirmative action, contribute to achieving equal opportunity and combating exclusion by eliminating social, economic and gender disparities in education and ensuring school attendance, in particular for girls, children with disabilities, pregnant adolescent girls, children living in poverty, indigenous children, children of African descent, persons belonging to ethnic or religious minorities and children in vulnerable or marginalized situations;

20. *Calls upon* States to accelerate efforts to eliminate gender-specific barriers to the equal enjoyment by girls of their right to education, to address gender-based discrimination, negative social norms and gender stereotypes in education systems, including in curricula, textbooks and teaching methodologies, and to fight all forms of violence including sexual harassment and school-related sexual and gender-based violence, in and out of schools and other educational settings;

Right to the enjoyment of the highest attainable standard of health

21. *Reaffirms* paragraphs 25 to 28 of its resolution 68/147, and calls upon States to take all necessary measures to ensure that the right of the child to the enjoyment of the highest attainable standard of physical and mental health is respected, protected and fulfilled without discrimination of any kind, and that all forms of violence are prevented and addressed, in view of their negative impact on the physical and mental health of the child, including through the enactment and implementation of laws, strategies and policies, gender- and child-responsive budgeting and resource allocation, and adequate investment in health systems, including comprehensive and integrated primary health care and youth-friendly physical and mental health-care services, including in efforts to achieve the Sustainable Development Goals, in particular Goals 3 and 5, as well as in the implementation of the global plan of action to strengthen the role of the health system within a national multisectoral response to address interpersonal violence, in particular against women and girls, and against children and in the health workforce;

22. *Calls upon* States to address with all relevant stakeholders, as a matter of priority, the vulnerabilities faced by children affected by and living with HIV by providing care, support and treatment to those children, their families and caregivers and promoting rights-based and child-oriented HIV and AIDS policies and programmes, and to ensure access to affordable, effective and quality prevention, care and treatment, including through correct information, access to voluntary, confidential and affordable testing, comprehensive health care, including sexual and reproductive health care, services and education, and access to safe, affordable, effective, quality pharmaceutical products and medical technologies, by intensifying efforts to develop affordable, accessible and quality tools for early diagnosis and by prioritizing the prevention of mother-to-child transmission of the virus;

23. *Recognizes* the importance of the implementation of the human right to safe drinking water and sanitation for the full realization of the right of the child to the enjoyment of the highest attainable standard of physical and mental health, and therefore urges States and, through them, service providers to ensure a regular supply of safe, accessible and affordable drinking water and sanitation services of good quality and sufficient quantity, guided also by the principles of equity, equality and non-discrimination, bearing in mind that the human right to safe drinking water and sanitation for their populations is to be progressively realized with full respect for national sovereignty;

Right to food

24. *Reaffirms* General Assembly resolution 72/173 of 19 December 2017 on the right to food, and the right of children to have access to safe, sufficient and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain his or her physical and mental capacities;

25. *Calls upon* all States to take action to ensure the full realization of the right to food for all and to eliminate child hunger and malnutrition, including through the adoption or strengthening of national programmes to address food security and nutrition and adequate livelihoods, especially regarding vitamin A, iron and iodine deficiencies, the promotion of breastfeeding and a nutritious diet, as well as programmes, for example, school meal programmes, that should ensure adequate nutrition for all children, in order to enable all children to fully develop and maintain their physical and mental capacities, and to take measures, if appropriate, with relevant international organizations, to support programmes that are aimed at combating undernutrition in mothers, in particular during pregnancy, and in children, and the irreversible effects of chronic undernutrition in early childhood, in particular from birth to the age of 2 years;

Child labour

26. *Reaffirms* paragraphs 16 to 18 of its resolution 71/177, urges States to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour and to end child labour in all its forms, by 2025 at the latest, through stronger legislation and improved cooperation and coordination among ministries and workforces involved in social welfare and protection systems and the education and labour sectors, and to promote education as a key strategy, and urges States to continue to promote the engagement of all sectors of society in creating an enabling environment for the eradication of child labour;

Prevention and elimination of and response to of violence against children

27. *Recalls* paragraphs 19 to 36 of its resolution 72/245, and recalls article 19 of the Convention on the Rights of the Child, in which States parties are required to take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child;

28. *Recalls* the United Nations study on violence against children submitted to the General Assembly in 2006,³⁹ notes with appreciation the efforts of the Special Representative of the Secretary-General on Violence against Children in continuing to mainstream the study recommendations in the international, regional and national agendas and promoting progress in the protection of children from violence, and takes note with appreciation of her publication entitled "Violence prevention must start in early childhood";

29. *Condemns* all forms of violence against children in all settings, including physical, psychological and sexual violence, torture and other cruel, inhuman or degrading treatment, child abuse and exploitation, hostage-taking, domestic violence, incest, trafficking in or sale of children and their organs, paedophilia, child prostitution, child pornography, child sex tourism, gang and armed violence, sexual

³⁹ A/61/299.

exploitation of children online, bullying, including cyberbullying, and harmful practices, and urges States to strengthen efforts to prevent and protect children from all such violence through a comprehensive approach and to develop an inclusive multifaceted and systematic framework, which is integrated into national planning processes, to respond to violence against children and to provide for safe and child-sensitive counselling and reporting procedures and safeguards for the rights of affected children;

30. *Calls upon* States to protect the child from all forms of physical or psychological violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse in schools, as well as all forms of bullying, and in this context to take measures to promote non-violent forms of discipline in schools and to adopt all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and human rights by taking all appropriate legislative, administrative, social and educational measures, in accordance with the best interests of the child, and in this regard welcomes the global campaign to end violence in schools;

31. *Urges* all States to address the gender dimension of all forms of violence against children and incorporate a gender perspective in all policies adopted and actions taken to protect children against all forms of violence and harmful practices, including female genital mutilation and child, early and forced marriage, ensuring that marriage is entered into only with the informed, free and full consent of the intending spouses, and to repeal or amend relevant laws and policies to remove any provision that may enable child, early or forced marriage or enables perpetrators of rape, sexual abuse or abduction, to escape prosecution and punishment by marrying their victims;

Promoting and protecting the rights of children, including children in particularly difficult situations

32. *Reaffirms* paragraphs 26 to 28 of its resolution 71/177, and calls upon all States to promote and protect all human rights of all children and to implement evidence-based programmes and measures that provide them with special protection and assistance, including access to inclusive and equitable quality education, health care, social services and social protection;

33. *Calls upon* all States to protect the human rights of all children and to ensure, for children belonging to minorities in vulnerable situations, including migrant children, indigenous children, children of African descent, internally displaced children and children with disabilities, the enjoyment of all human rights as well as access to health care, social services, social protection and accessible and inclusive education on an equal basis with others, and to ensure that all such children, in particular unaccompanied migrant children, internally displaced children and those who are victims of violence and exploitation, receive special protection and assistance and that the best interests of the child are a primary consideration in their policies of integration, return and family reunification;

34. *Also calls upon* all States to protect refugee, asylum-seeking, migrant and internally displaced children, in particular those who are unaccompanied, who are particularly exposed to violence and risks in connection with armed conflict and trafficking in persons, and, taking into account their gender-specific needs, stresses the need for States and the international community to continue to pay more systematic and in-depth attention to the special assistance, protection and development needs of those children through, inter alia, programmes aimed at rehabilitation and physical and psychological recovery and programmes for voluntary return or repatriation and, where appropriate and feasible, local integration and

resettlement, to give priority to family tracing and family reunification and reintegration, and, where appropriate, to cooperate with international humanitarian and refugee organizations, including by facilitating their work, in line with their obligations under international law;

Migrant children

35. *Reaffirms* paragraphs 40 to 87 of its resolution 71/177, and calls upon States to effectively promote and protect the human rights and fundamental freedoms of all children affected by migration, regardless of their migration status, and to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, while recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all children affected by migration and in avoiding approaches that might aggravate their vulnerability;

36. *Also reaffirms* the New York Declaration for Refugees and Migrants,⁴⁰ welcomes the conclusion of the process of intergovernmental negotiations of the Global Compact for Safe, Orderly and Regular Migration in 2018, to be considered for adoption by States at the Intergovernmental Conference to be held in Morocco on 10 and 11 December 2018, and stresses the centrality of full respect for the human rights of all migrants, including migrant children;

37. *Takes note* of the joint general comments of the Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on the human rights of children in the context of international migration;

38. *Expresses deep concern* regarding the large and growing number of migrant children, particularly those who are unaccompanied or separated from their parents or primary caregivers, who may be particularly vulnerable along their journey, and expresses the commitment to protect the human rights of migrant children, given their vulnerability, in particular unaccompanied migrant children and migrant children with disabilities, to ensure that they receive appropriate protection and assistance and to provide for their health, education and psychosocial development, ensuring that the best interests of the child are a primary consideration in policies on integration, return and family reunification;

39. *Urges* States to ensure, in conformity with their international and domestic obligations and commitments, that return is consistent with international law, including international human rights law, and that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations, including all migrant children, and to take into account the principle of the best interests of the child, clarity of reception and care arrangements and family reunification;

40. *Welcomes* programmes that allow migrant children to integrate fully into countries of destination, promote a harmonious, inclusive and respectful environment and facilitate family reunification in order to promote the welfare and the best interests of migrant children and adolescents, as applicable under national law, due process and the relevant provisions of the Convention on the Rights of the Child and the Optional Protocols thereto, and to comply with the consular notification and access obligations set forth in the Vienna Convention on Consular Relations⁴¹ so that States may provide child-sensitive consular assistance, as appropriate, including legal assistance;

⁴⁰ Resolution 71/1.

⁴¹ United Nations, *Treaty Series*, vol. 596, No. 8638.

Children and the administration of justice

41. *Reaffirms* paragraphs 29 to 31 of its resolution 71/177, and calls upon all States to respect and protect the rights of child victims and witnesses and children alleged to have infringed or recognized as having infringed penal law, as well as children of persons alleged to have infringed or recognized as having infringed penal law, and to ensure that the arrest, detention or imprisonment of a child should be in conformity with the law and should be used only as a measure of last resort and for the shortest appropriate period of time;

42. *Urges* States to intensify their efforts to protect children deprived of their liberty from torture and other cruel, inhuman or degrading treatment or punishment, to ensure that, if they are arrested, detained or imprisoned, children are provided with prompt access to legal and other appropriate assistance and have the right to challenge the legality of the deprivation of their liberty before a court or other competent authority and to a prompt decision on any such action and that, from the moment they are arrested, children have the right to maintain contact with their family through correspondence and visits, save in exceptional circumstances, that no child is sentenced or subjected to forced labour, corporal punishment or emotional or physical violence or deprived of access to and provision of health care and services, hygiene and environmental sanitation, nutritious food, access to open space for recreation, education, basic instruction and vocational training and access to safe, confidential and independent mechanisms to report on violence, and that the conditions in such settings are regularly and effectively monitored, and to undertake prompt investigations of all reported acts of violence and ensure that perpetrators are held accountable;

43. *Encourages* continued regional and cross-regional efforts, the sharing of best practices and the provision of technical assistance in the field of juvenile justice, and in this regard recalls the validity and importance of international standards and norms in the field of human rights in the administration of juvenile justice;

Prevention and eradication of the sale of children, child prostitution and child pornography

44. *Reaffirms* paragraph 32 of its resolution 71/177, and calls upon all States to prevent, criminalize, prosecute and punish all forms of the sale and trafficking of children, including for the purposes of removal of organs of the child, child slavery, forced labour and the sexual exploitation of children, including child prostitution and child pornography and other child sexual abuse material, with the aim of eradicating those practices, including when perpetrated using the Internet and other information and communications technologies, to combat the existence of a market that encourages such criminal practices and take measures to eliminate the demand that fosters them, as well as to address the rights and needs of victims effectively, including universal access to comprehensive social, physical and mental health and legal services, without discrimination of any kind, and counselling for all victims to ensure their full recovery and reintegration into society, and to take effective measures against the criminalization of children who are victims of exploitation;

45. *Calls upon* States to enact and enforce the necessary legislative or other measures, in cooperation with relevant stakeholders, including the private sector and the media, to prevent the distribution over the Internet of child sexual abuse material, including depictions of child sexual abuse, ensuring that adequate mechanisms are in place to enable the reporting and removal of such material and that its creators, distributors and collectors are prosecuted, as appropriate, while working towards ensuring that the opportunities provided by information and communications technologies in the lives of children, as tools for learning, socialization, expression,

inclusion and fulfilment of their rights and fundamental freedoms, such as the right to education and the right to freedom of expression, including the freedom to seek, receive and impart information and the right to express their views freely, are used to their fullest;

46. *Urges* States to intensify their efforts to ensure the legal protection of children from sexual abuse and exploitation online and to define it legally, in accordance with international human rights law and obligations, to criminalize all relevant conduct related to the sexual exploitation of children online and offline and to ensure that all those in the whole chain of individuals involved in or attempting to commit such criminal activities are held accountable and brought to justice in order to fight impunity, taking into account the multi-jurisdictional and transnational nature of child sexual exploitation and abuse perpetrated online through information and communications technologies;

Children affected by armed conflict

47. *Reaffirms* paragraphs 33 to 39 of its resolution 71/177, condemns in the strongest terms all violations and abuses committed against children in armed conflict, and in this regard urges all States and other parties to armed conflict that are engaged, in contravention of applicable international law, in the recruitment and use of children, in patterns of killing and maiming of children and/or rape and other sexual violence against children, acknowledging that sexual violence in these situations disproportionately affects girls, but that boys are also targets, in recurrent attacks on schools and/or hospitals and related personnel and in patterns of abduction of children, as well as in all other violations and abuses against children, to take time-bound and effective measures to end and prevent them and to encourage age- and gender-specific support services, including psychological, social and sexual and reproductive health-care services, and education, social protection and reintegration programmes, and notes in this regard the adoption of by the Security Council of resolution 2427 (2018) of 9 July 2018;

48. *Condemns in the strongest terms* rape and other forms of sexual violence committed against children in armed conflict, expresses deep concern at mass and systematic rape and sexual violence committed against children in armed conflict, in some instances calculated to humiliate, dominate, instil fear in and disperse and/or forcibly displace a population, calls upon all States and relevant United Nations bodies and agencies and regional organizations to take all necessary measures to prevent and address such acts of violence and ensure full accountability on this issue, as well as on the issue of sexual exploitation and abuse of children in United Nations peacekeeping operations, and urges States to adopt appropriate national legislation to prevent such crimes, as well as mass abductions and sexual and gender-based violence, and to ensure their rigorous investigation and prosecution;

49. *Expresses its deep concern* about attacks, as well as threats of attack, in contravention of international humanitarian law, against schools and/or hospitals and related personnel, as well as the closure of schools and hospitals in situations of armed conflict as a result of attacks and threats of attack, recalls that all parties to armed conflict bear the primary responsibility for the protection of children, recalls the obligation to refrain from attacking schools and hospitals, in contravention of international humanitarian law, and to take all feasible precautionary measures to protect civilians from such attacks, in particular school children, and urges all parties to armed conflict to refrain from actions that impede the access of children to education and health-care services;

50. *Calls upon* all Member States to ensure that children associated or allegedly associated with armed groups should be treated primarily as victims and in

line with the best interests of the child, and to consider non-judicial measures as alternatives to prosecution and detention and take measures that focus on rehabilitation and reintegration in an environment that fosters their health, self-respect and dignity of the child, in accordance with relevant provisions of international humanitarian law, as well as human rights law, in particular the Convention on the Rights of the Child;

51. *Calls upon* States to protect children affected by armed conflict, in particular from violations of international humanitarian law and human rights law, and to ensure that they receive timely, effective humanitarian assistance, noting the efforts taken to end impunity by ensuring accountability and punishing perpetrators, and calls upon the international community to hold those responsible for violations accountable, inter alia, through the International Criminal Court;

52. *Recalls* that, in accordance with international humanitarian law, indiscriminate attacks against civilians, including children, are prohibited and that they shall not be the object of attack, including by way of reprisal or excessive use of force, condemns practices resulting in the killing and maiming of children, demands that all parties immediately put an end to such attacks, and urges all parties to armed conflict to comply with their obligations under international humanitarian law, in particular the principles of distinction, proportionality and the obligation to take all feasible precautions to avoid and, in any event, minimize harm to civilians and civilian objects;

53. *Calls upon* States to ensure timely and adequate funding for national disarmament, demobilization and reintegration programmes for children and for settlement, rehabilitation and reintegration efforts for all children associated with armed forces and groups, including detained children, particularly in support of national initiatives, and to secure the long-term sustainability of such efforts, including through the use of a multisectoral and community-based approach that is inclusive of all children, family-based care arrangements, as also highlighted in the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (the Paris Principles), and the mobilization of financial resources and technical assistance from international cooperation for rehabilitation and reintegration programmes for children;

54. *Notes with appreciation* the steps taken regarding Security Council resolutions 1539 (2004) of 22 April 2004, 1612 (2005) of 26 July 2005, 1882 (2009) of 4 August 2009, 1998 (2011) of 12 July 2011, 2068 (2012) of 19 September 2012, 2225 (2015) of 18 June 2015 and 2427 (2018) and the efforts of the Secretary-General to implement the monitoring and reporting mechanism on children and armed conflict in accordance with those resolutions, with the participation of and in cooperation with national Governments and relevant United Nations and civil society actors, including at the country level, requests the Secretary-General to ensure that information collected and communicated by the monitoring and reporting mechanism is accurate, objective and verifiable, and in this regard encourages the work and the deployment of United Nations child protection advisers in peacekeeping operations and political and peacebuilding missions;

III

Follow-up

55. *Expresses support* for the work of the Special Representative of the Secretary-General on Violence against Children, and recognizes the progress achieved since the establishment of her mandate in promoting the prevention and elimination of all forms of violence against children in all regions and in advancing the implementation of the recommendations of the United Nations study on violence

against children, including through partnerships with regional organizations, as well as advocacy through thematic consultations, field missions and thematic reports addressing emerging concerns, including on violence prevention in early childhood;

56. *Recommends* that the Secretary-General extend the mandate of the Special Representative of the Secretary-General on Violence against Children, as established in paragraphs 58 and 59 of its resolution 62/141 of 18 December 2007, for a further three years, and maintain support for the effective and independent performance and sustainability of the mandate of the Special Representative, funded from the regular budget;

57. *Urges* all States, requests United Nations agencies, funds and programmes and invites regional organizations and civil society, including non-governmental organizations, to cooperate with the Special Representative of the Secretary-General on Violence against Children in promoting the further implementation of the recommendations of the United Nations study on violence against children and in supporting Member States in the context of the implementation of the 2030 Agenda for Sustainable Development, encourages States to provide support to the Special Representative, including adequate voluntary financial support for the continued, effective and independent performance of her mandate, and invites organizations, including the private sector, to provide voluntary contributions for that purpose;

58. *Recalls* paragraph 52 (d) of its resolution 69/157 of 18 December 2014, in which it invited the Secretary-General to commission an in-depth global study on children deprived of their liberty, to be funded through voluntary contributions, also recalls paragraph 88 of its resolution 71/177 and paragraph 37 of its resolution 72/245, in which it invited the designated independent expert to submit a final report to the General Assembly at its seventy-fourth session, and in this regard encourages Member States and United Nations agencies, funds, programmes and offices, as well as other relevant stakeholders, to contribute to and support the elaboration of the study;

59. *Decides*:

(a) To request the Secretary-General to submit to the General Assembly at its seventy-fourth session a comprehensive report on the rights of the child containing information on the status of the Convention on the Rights of the Child and on the issues addressed in the present resolution, with a focus on children without parental care;

(b) To request the Special Representative of the Secretary-General for Children and Armed Conflict to continue to submit reports to the General Assembly and the Human Rights Council on the activities undertaken in the fulfilment of her mandate, including information on her field visits and on the progress achieved and the challenges remaining on the children and armed conflict agenda;

(c) To request the Special Representative of the Secretary-General for Children and Armed Conflict, in carrying out her mandate for the protection of children in situations of armed conflict, in accordance with relevant resolutions of the General Assembly and the Security Council, to continue to engage proactively with relevant United Nations bodies and agencies, Member States, regional and subregional organizations and non-State armed groups, including by negotiating action plans, securing commitments, advocating for appropriate response mechanisms and ensuring attention and follow-up to the conclusions and recommendations of the Security Council Working Group on Children and Armed Conflict, and reaffirms the important role the Special Representative of the Secretary-General for Children and Armed Conflict can play in contributing to conflict prevention;

(d) To request the Special Representative of the Secretary-General on Violence against Children to continue to submit annual reports to the General Assembly and the Human Rights Council on the activities undertaken in fulfilment of her mandate, consistent with paragraphs 58 and 59 of its resolution 62/141, including information on her field visits and on the progress achieved and the challenges remaining on the violence against children agenda;

(e) To request the Special Rapporteur of the Human Rights Council on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, to continue to submit reports to the General Assembly and the Council on the activities undertaken in the fulfilment of her mandate, including information on her field visits and on the progress achieved and the challenges remaining in the prevention and eradication of the sale of children, child prostitution and child pornography and the sexual exploitation and abuse of children;

(f) To invite the Chair of the Committee on the Rights of the Child to present an oral report on the work of the Committee and to engage in an interactive dialogue with the General Assembly at its seventy-fourth session as a way to enhance communication between the Assembly and the Committee;

(g) To invite Member States and relevant United Nations bodies to formally commemorate the upcoming thirtieth anniversary of the Convention on the Rights of the Child in 2019, including by convening a high-level plenary meeting of the seventy-fourth session of the General Assembly, in an intergovernmental effort to maintain momentum and increase action on the rights of the child, and requests the President of the General Assembly to conduct consultations with Member States to finalize through a modalities resolution the organizational and procedural arrangements for the high-level plenary meeting;

(h) To continue its consideration of the question at its seventy-fourth session under the item entitled "Promotion and protection of the rights of children".

57. The Third Committee recommends to the General Assembly the adoption of the following draft decision:

**Document considered by the General Assembly in connection with
the promotion and protection of the rights of children**

The General Assembly takes note of the Report of the Committee on the Rights of the Child,¹ submitted under the item entitled "promotion and protection of the rights of children".

¹ A/73/41.



General Assembly

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Seventy-third session

Agenda item 71

Rights of indigenous peoples

Report of the Third Committee

Rapporteur: Ms. Katharina **Konzett-Stoffl** (Austria)

I. Introduction

1. At its 3rd plenary meeting, on 21 September 2018, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-third session the item entitled:

“Rights of indigenous peoples:

“(a) Rights of indigenous peoples:

“(b) Follow-up to the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples”

and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the item at its 16th meeting, on 12 October 2018, and considered proposals and took action on the item at its 52nd meeting, on 19 November 2018. An account of the Committee’s discussion is contained in the relevant summary records.¹

3. For its consideration of the item, the Committee had before it a note by the Secretary-General transmitting the report of the Special Rapporteur of the Human Rights Council on the rights of indigenous peoples (A/73/176) and the report of the Secretary-General on the status of the United Nations Voluntary Fund for Indigenous Peoples (A/73/137).

4. At the 16th meeting, the Special Rapporteur on the rights of indigenous peoples made an introductory statement and engaged in an interactive dialogue with the representatives of the Philippines, New Zealand, the Russian Federation, Canada, Mexico, Norway, South Africa, the United States of America, the European Union, Brazil and Ecuador.

¹ A/C.3/73/SR.16 and A/C.3/73/SR.52.



II. Consideration of draft resolution A/C.3/73/L.24/Rev.1

5. At its 52nd meeting, on 19 November, the Committee had before it a draft resolution entitled "Rights of indigenous peoples" (A/C.3/73/L.24/Rev.1), which replaced draft resolution A/C.3/73/L.24 and was submitted by Armenia, Australia, Belize, Bolivia (Plurinational State of), Denmark, Ecuador, Finland, Honduras, Nicaragua, Norway, Paraguay, Spain, Sweden and Venezuela (Bolivarian Republic of). Subsequently, Argentina, Austria, Brazil, Canada, Costa Rica, Cuba, Cyprus, El Salvador, Estonia, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Malaysia, Mexico, Panama, Peru, Poland, Slovenia, South Africa, Sweden and Ukraine joined in sponsoring the draft resolution.

6. At the same meeting, the Committee adopted draft resolution A/C.3/73/L.24/Rev.1 (see para. 8).

7. After the adoption of the draft resolution, statements were made by the representatives of Romania (also on behalf of Bulgaria, France and Slovakia), the United States and the United Kingdom of Great Britain and Northern Ireland.

III. Recommendation of the Third Committee

8. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

Rights of indigenous peoples

The General Assembly,

Recalling all relevant resolutions of the General Assembly, the Human Rights Council and the Economic and Social Council relating to the rights of indigenous peoples, reaffirming its resolutions 65/198 of 21 December 2010, 66/142 of 19 December 2011, 67/153 of 20 December 2012, 68/149 of 18 December 2013, 69/2 of 22 September 2014, 69/159 of 18 December 2014, 70/232 of 23 December 2015, 71/178 of 19 December 2016, 71/321 of 8 September 2017, 72/155 of 19 December 2017 and 72/247 of 24 December 2017, and recalling Human Rights Council resolutions 27/13 of 25 September 2014,¹ 30/4 of 1 October 2015,² 33/12 and 33/13 of 29 September 2016,³ 36/14 of 28 September 2017⁴ and 39/13 of 28 September 2018,⁵

Reaffirming the United Nations Declaration on the Rights of Indigenous Peoples,⁶ which addresses the individual and collective rights of indigenous peoples,

Reaffirming also the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, held in New York on 22 and 23 September 2014,⁷ in which Heads of State and Government, ministers and representatives of Member States reiterated the important and continuing role of the United Nations in promoting and protecting the rights of indigenous peoples, recalling the inclusive preparatory process for the high-level plenary meeting, including the comprehensive engagement of the representatives of indigenous peoples, and welcoming and reaffirming the commitments, measures and efforts undertaken by States, the United Nations system, indigenous peoples and other actors in its implementation,

Encouraging the active engagement of indigenous peoples in the implementation of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, including at the regional and global levels,

Recalling the 2030 Agenda for Sustainable Development,⁸ and stressing the need to ensure that no one is left behind and to reach the furthest behind first, including indigenous peoples, who should participate in, contribute to and benefit without discrimination from the implementation of the 2030 Agenda, and encouraging Member States to give due consideration to all the rights of indigenous peoples while implementing the 2030 Agenda,

¹ See *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 53A* and corrigenda (A/69/53/Add.1, A/69/53/Add.1/Corr.1 and A/69/53/Add.1/Corr.2), chap. IV, sect. A.

² *Ibid.*, *Seventieth Session, Supplement No. 53A* (A/70/53/Add.1), chap. III.

³ *Ibid.*, *Seventy-first Session, Supplement No. 53A* and corrigendum (A/71/53/Add.1 and A/71/53/Add.1/Corr.1), chap. II.

⁴ *Ibid.*, *Seventy-second Session, Supplement No. 53A* (A/72/53/Add.1), chap. III.

⁵ *Ibid.*, *Seventy-third Session, Supplement No. 53A* (A/73/53/Add.1).

⁶ Resolution 61/295, annex.

⁷ Resolution 69/2.

⁸ Resolution 70/1.

Stressing the importance of promoting and pursuing the objectives of the United Nations Declaration on the Rights of Indigenous Peoples also through international cooperation to support national and regional efforts to achieve the ends of the Declaration, including the right to maintain and strengthen the distinct political, legal, economic, social and cultural institutions of indigenous peoples and the right to participate fully, if they so choose, in the political, economic, social and cultural life of the State,

Bearing in mind the policy instruments in the Global Compact for Safe, Orderly and Regular Migration for Member States to draw on, including to respond to the needs of migrants who face situations of vulnerability, including indigenous peoples,

Taking note with appreciation of the agreed conclusions of the sixty-second session of the Commission on the Status of Women,⁹ in which Governments at all levels and as appropriate, with the relevant entities of the United Nations system and international and regional organizations, within their respective mandates and bearing in mind national priorities, were urged to promote and protect the rights of indigenous women and girls living in rural and remote areas by addressing the multiple and intersecting forms of discrimination and barriers they face, including violence, ensuring access to quality and inclusive education, health care, public services, economic resources, including land and natural resources, and women's access to decent work, and promoting their meaningful participation in the economy and in decision-making processes at all levels and in all areas, while respecting and protecting their traditional and ancestral knowledge, and noting the importance for indigenous women and girls of the United Nations Declaration on the Rights of Indigenous Peoples,

Recognizing that violence against indigenous women and girls has a negative impact on their enjoyment of human rights and fundamental freedoms and constitutes a major impediment to women's full, equal and effective participation in society, the economy and political decision-making, and in this regard recalling Human Rights Council resolution 32/19 of 1 July 2016, entitled "Accelerating efforts to eliminate violence against women: preventing and responding to violence against women and girls, including indigenous women and girls",¹⁰ which brings closer attention to this issue, and recognizing also the negative effects of multiple and intersecting forms of discrimination,

Stressing the importance of the empowerment and capacity-building of indigenous women and youth, including their full and effective participation in decision-making processes in matters that affect them directly, including policies, programmes and resources, where relevant, that target the well-being of indigenous women, children and youth, in particular in the areas of health, education, employment and the transmission of traditional knowledge, languages and practices, and the importance of taking measures to promote awareness and understanding of their rights,

Deeply concerned at the vast number of endangered languages, in particular indigenous languages, and stressing that, despite the continuing efforts, there is an urgent need to preserve, promote and revitalize endangered languages, in particular indigenous languages,

Reaffirming the importance of the International Year of Indigenous Languages to draw attention to the critical loss of indigenous languages and the urgent need to

⁹ See *Official Records of the Economic and Social Council, 2018, Supplement No. 7 (I/2017/27)*, chap. I, sect. A.

¹⁰ See *Official Records of the General Assembly, Seventy-first Session, Supplement No. 53 (A/71/53)*, chap. V, sect. A.

preserve, revitalize and promote indigenous languages, including as an educational medium, and to take further urgent steps to that end at the national and international levels,

Welcoming the preparations and the progress made for the celebration of the 2019 International Year of Indigenous Languages, including the lead role of the United Nations Educational, Scientific and Cultural Organization in developing an action plan and the establishment of the steering committee for organizing the International Year, in consultation and cooperation with Member States, the Permanent Forum on Indigenous Issues, the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples, as well as indigenous peoples and a range of different stakeholders,

Recognizing that indigenous peoples can contribute to a range of issues on the international agenda,

Recognizing the importance to indigenous peoples of revitalizing, using, developing and transmitting to future generations their histories, languages, oral traditions, philosophies, writing systems and literature,

Expressing concern that, in some cases, suicide rates in indigenous peoples' communities, in particular among indigenous youth and children, are significantly higher than in the general population,

Bearing in mind the importance of promoting respect for the rights of indigenous children, in particular eliminating the worst forms of child labour, in accordance with international law, including relevant human rights law and international labour law obligations,

Recognizing the importance of access to justice in the promotion and protection of the rights of indigenous peoples and individuals and the need to examine and take steps to remove obstacles to justice, especially for indigenous women, indigenous children, youth, older persons and indigenous persons with disabilities,

Underlining the responsibility of transnational corporations and other business enterprises to respect all human rights, applicable laws and international principles¹¹ and operate transparently and in a socially and environmentally responsible manner, and emphasizing the need to refrain from negatively affecting the well-being of indigenous peoples and to take further action towards corporate responsibility and accountability, including the prevention, mitigation and remediation of human rights abuses,

Taking note of the report of the Special Rapporteur on the rights of indigenous peoples,¹² noting with concern her findings with regard to attacks against indigenous human rights defenders and her reflections on available prevention and protection measures, and calling upon all States to consider the recommendations contained in the report,

Taking note with appreciation of the decision of the Human Rights Council, in its resolution 39/13, that the theme of the annual half-day panel discussion on the rights of indigenous peoples to be held during the forty-fifth session of the Council will be on the protection of indigenous human rights defenders,

Recognizing the importance of free, prior and informed consent, as outlined in the United Nations Declaration on the Rights of Indigenous Peoples,

¹¹ Including the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (A/HRC/17/31, annex J).

¹² A/HRC/39/17.

Recognizing also the value and the diversity of the cultures and the form of social organization of indigenous peoples and their holistic traditional knowledge of their lands, natural resources and environment,

Recognizing further the importance of traditional sustainable agricultural practices, including traditional seed supply systems, as well as access to credit and other financial services, markets, secure land tenure, health care and health-care services, social services, education, training, knowledge and appropriate and affordable technologies, including efficient irrigation, the reuse of treated wastewater and water harvesting and storage for indigenous peoples and others living in rural areas,

Recognizing the importance of facilitating indigenous peoples' livelihoods, which may be achieved by, inter alia, the recognition of their traditions, adequate public policies and economic empowerment,

Recognizing also that the economic empowerment, inclusion and development of indigenous peoples, including through the establishment of indigenous-owned businesses, can enable them to improve their social, cultural, civil and political engagement, achieve greater economic independence and build more sustainable and resilient communities, and noting the contribution of indigenous peoples to the broader economy,

Concerned about the extreme disadvantages that indigenous peoples have typically faced across a range of social and economic indicators and about the impediments to their full enjoyment of their rights,

Stressing the need to pay particular attention to the rights and special needs of indigenous women, children, youth, older persons and persons with disabilities, as set out in the United Nations Declaration on the Rights of Indigenous Peoples, including in the process of protecting and promoting their equal access to justice,

Taking note with appreciation of resolution 72/128 of 7 December 2017, entitled "Observer status for the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean in the General Assembly", in which the General Assembly decided to invite the Fund to participate in the sessions and the work of the Assembly in the capacity of observer,

1. *Notes with appreciation* the work of the Expert Mechanism on the Rights of Indigenous Peoples, the Permanent Forum on Indigenous Issues and the Special Rapporteur of the Human Rights Council on the rights of indigenous peoples, takes note of the report of the Special Rapporteur,¹³ and encourages all Governments to respond favourably to her requests for visits;

2. *Urges* Governments and the United Nations system, in consultation and cooperation with indigenous peoples through their representatives and institutions, to continue to implement, when appropriate, measures at the national level, including legislative, policy and administrative measures, to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples⁵ and to promote awareness of it among all sectors of society, including members of legislatures, the judiciary and the civil service, as well as among indigenous peoples, and invites international and regional organizations, within their respective mandates, national human rights institutions, where they exist, civil society, including non-governmental organizations, and other relevant actors to contribute to those efforts;

3. *Underscores* the importance of implementing the outcome document of the high-level plenary meeting of the General Assembly known as the World

¹³ A/73/176.

Conference on Indigenous Peoples,⁶ and reiterates the commitment of Member States to cooperating with indigenous peoples, through their own representative institutions, to develop and implement national action plans, strategies or other measures, where relevant, to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples;

4. *Encourages* the leadership of the Secretary-General and of the Under-Secretary-General for Economic and Social Affairs, as the responsible senior official of the United Nations system, in overseeing the implementation of and following up on the system-wide action plan to ensure a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples, raising awareness of the rights of indigenous peoples and increasing the coherence of the activities of the system in this regard, and encourages the funds, programmes and specialized agencies of the United Nations system, resident coordinators and United Nations country teams to implement this plan in full alignment with national development needs and priorities;

5. *Encourages* Member States, resident coordinators and United Nations country teams, within their mandates and in coordination with the Governments concerned, to involve indigenous peoples regarding issues affecting them in the preparation of the United Nations Development Assistance Frameworks and country programme action plans;

6. *Encourages* Member States to work towards achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples;

7. *Encourages* those States that have not yet ratified or acceded to the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization¹⁴ to consider doing so;

8. *Urges* Governments and intergovernmental and non-governmental organizations to continue to contribute to the Trust Fund on Indigenous Issues, the United Nations Voluntary Fund for Indigenous Peoples and the United Nations Indigenous Peoples' Partnership, invites indigenous organizations and private institutions and individuals to do likewise, and notes the importance of accessibility, accountability, transparency and balanced geographical distribution in the management of these funds;

9. *Decides* to continue to observe the International Day of Indigenous Peoples every year on 9 August, and requests the Secretary-General to support the observance of the Day from within existing resources;

10. *Encourages* Member States and all organizations and bodies of the United Nations system and other international and regional organizations, the private sector and academia, as well as civil society, including non-governmental organizations, to observe the International Day of Indigenous Peoples in an appropriate manner, including through educational and public awareness-raising activities;

11. *Encourages* Member States to give due consideration to all the rights of indigenous peoples in fulfilling the commitments undertaken in the 2030 Agenda for Sustainable Development⁷ and in the elaboration of national action plans and programmes as well as international and regional programmes, applying the pledge to leave no one behind and to endeavour to reach the furthest behind first;

12. *Encourages* States to consider including in their voluntary national reviews for the high-level political forum on sustainable development and their national and global reports information related to indigenous peoples on the progress

¹⁴ United Nations, *Treaty Series*, vol. 1650, No. 28383.

made and challenges in the implementation of the 2030 Agenda, bearing in mind paragraphs 78 and 79 of the 2030 Agenda, and also encourages States to compile disaggregated data to measure progress and to ensure that no one is left behind;

13. *Also encourages* States, according to their relevant national context and characteristics, to collect and disseminate data disaggregated by ethnicity, income, gender, age, race, migratory status, disability, geographic location or other factors, as appropriate, in order to monitor and improve the impact of development policies, strategies and programmes aimed at improving the well-being of indigenous peoples and individuals, to combat and eliminate violence and multiple and intersecting forms of discrimination against them and to support work towards the achievement of the Sustainable Development Goals and the 2030 Agenda;

14. *Encourages* the Secretary-General to include information pertinent to indigenous peoples in the forthcoming annual reports on progress towards the Sustainable Development Goals;

15. *Stresses* the need to strengthen the commitment of States and the entities of the United Nations system to mainstream the promotion and protection of the rights of indigenous peoples into development policies and programmes at the national, regional and international levels, and encourages them to give due consideration to the rights of indigenous peoples in achieving the goals of the 2030 Agenda;

16. *Also stresses* the need for indigenous peoples of all regions to contribute to the high-level political forum on sustainable development, and encourages States to engage with indigenous peoples at the local, national and regional levels in relation to the Sustainable Development Goals;

17. *Invites* the Expert Mechanism on the Rights of Indigenous Peoples, the Permanent Forum on Indigenous Issues and the Special Rapporteur on the rights of indigenous peoples to give due consideration, within their mandates, to the rights of indigenous peoples as related to the implementation of the 2030 Agenda;

18. *Encourages* the Permanent Forum on Indigenous Issues to continue to provide inputs on indigenous issues to the high-level political forum on sustainable development for consideration in its thematic reviews;

19. *Underlines* the need to intensify efforts, in cooperation with indigenous peoples, to prevent and eliminate all forms of violence and discrimination against indigenous women, children, youth, older persons and persons with disabilities and to support measures that will ensure their empowerment and full and effective participation in decision-making processes at all levels and in all areas and eliminate structural and legal barriers to their full, equal and effective participation in political, economic, social and cultural life;

20. *Reaffirms* the importance of effective accountability with regard to violence against indigenous women and girls, including sexual violence, abuse and exploitation, and of taking adequate measures to prevent and eliminate such violence;

21. *Invites* the Commission on the Status of Women to consider indigenous women's issues, among others, at the sixty-fourth session of the Commission, to be held in 2020, to coincide with the twenty-fifth anniversary of the Fourth World Conference on Women, and encourages Governments to cooperate with indigenous peoples at all levels on preparations for the 2020 review so as to benefit from their experience and expertise;

22. *Encourages* States to consider including in their reports related to indigenous peoples and women information on the progress made and challenges in the implementation of Commission on the Status of Women resolutions 49/7 of 11 March 2005, entitled "Indigenous women: beyond the ten-year review of the

Beijing Declaration and Platform for Action",¹⁵ and 56/4 of 9 March 2012, entitled "Indigenous women: key actors in poverty and hunger eradication";¹⁶

23. *Encourages* Member States to establish national mechanisms with adequate funding for the successful implementation of the plan for the 2019 International Year of Indigenous Languages in partnership with indigenous peoples, and invites indigenous peoples, as custodians of their own languages, to initiate and develop their own action plans and appropriate measures for the International Year and awareness-raising campaigns to draw attention to the critical loss of indigenous languages;

24. *Invites* the United Nations Educational, Scientific and Cultural Organization, in active collaboration with other relevant United Nations entities, to organize, as a major event of the 2019 International Year of Indigenous Languages, a high-level event on indigenous languages, aiming to consider an outcome document on the International Year, which would be preceded by regional events or preparatory meetings, with the participation of indigenous peoples, encourages Member States to support their organization, and encourages the United Nations Educational, Scientific and Cultural Organization to submit a report on all activities to the General Assembly;

25. *Decides* to convene a high-level event during 2019, organized by the President of the General Assembly, for the conclusion of the International Year of Indigenous Languages, and further requests the President of the General Assembly to support initiatives relevant to the successful celebration of the International Year, within existing resources;

26. *Encourages* Governments to redouble efforts to eliminate the worst forms of child labour, both in legislation and in practice, in the context of respect for the human rights of indigenous children, including through international cooperation, as appropriate;

27. *Also encourages* Governments to promote actions to eliminate malnutrition of indigenous children, especially for those living in rural areas, providing them adequate food, water and sanitation, education, health and basic services, and to implement actions for poverty eradication;

28. *Encourages* transnational corporations and other business enterprises to respect human rights, including the rights of indigenous children, and to eliminate the worst forms of child labour from their operations;

29. *Underscores* the need to ensure equal protection of the law and equality before the courts for indigenous women and girls at all levels and, to that end, the importance of providing systematic gender-sensitivity training, as appropriate, for police and security forces, prosecutors, judges and lawyers, integrating gender considerations into security sector reform initiatives, developing protocols and guidelines and enhancing or putting in place appropriate accountability measures for adjudicators;

30. *Encourages* States and entities of the United Nations system to strengthen international cooperation, including to address the disadvantages faced by indigenous peoples, and to increase technical cooperation and financial assistance in this regard;

31. *Encourages* the World Health Organization, the United Nations Children's Fund and other relevant United Nations agencies, funds and programmes, in accordance with their mandates, to carry out research and evidence-gathering on the

¹⁵ See *Official Records of the Economic and Social Council, 2005, Supplement No. 7* and corrigendum (E/2005/27 and E/2005/27/Corr.1), chap. I, sect. D.

¹⁶ *Ibid.*, 2012, *Supplement No. 7* and corrigendum (E/2012/27 and E/2012/27/Corr.1), chap. I, sect. D.

prevalence and root causes of suicide among indigenous youth and children and good practices on its prevention and to consider developing, as appropriate, strategies or policies, consistent with national priorities, in cooperation with Member States, to tackle it, including through consultation with indigenous peoples, in particular indigenous youth organizations;

32. *Takes note with appreciation* of the work led by the Presidents of the General Assembly at its seventieth and seventy-first sessions in conducting consultations with Member States, indigenous peoples' representatives and institutions from all regions of the world and existing mechanisms of the United Nations on possible measures to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them, which led to the adoption of Assembly resolution 71/321 and its decision to continue its consideration of possible further measures necessary to enhance the participation of indigenous peoples' representatives and institutions in relevant United Nations meetings on issues affecting them at its seventy-fifth session, taking into account the achievements in that regard of other bodies and organizations throughout the United Nations system, to be preceded by consultations with indigenous peoples' representatives and institutions from all regions of the world as an input to the intergovernmental process;

33. *Invites* Member States to support the Secretary-General in his efforts or activities to hold regional consultations, including through the regional commissions, as appropriate, before the nineteenth session of the Permanent Forum on Indigenous Issues, including by hosting such consultations, in accordance with resolution 71/321;

34. *Encourages* the United Nations system to strengthen cooperation with the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, considering its fundamental role in the Latin American and Caribbean region in processes of dialogue and consultation between States and indigenous peoples;

35. *Decides* to continue its consideration of the question at its seventy-fourth session, under the item entitled "Rights of indigenous peoples", and to maintain in the provisional agenda the sub-item entitled "Follow-up to the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples".



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Agenda item 72

Elimination of racism, racial discrimination, xenophobia and related intolerance

Report of the Third Committee

Rapporteur: Ms. Katharina **Konzett-Stoffl** (Austria)

I. Introduction

1. At its 3rd plenary meeting, on 21 September 2018, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-third session the item entitled:

“Elimination of racism, racial discrimination, xenophobia and related intolerance;

“(a) Elimination of racism, racial discrimination, xenophobia and related intolerance;

“(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action”

and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the item jointly with item 73, entitled “Right of peoples to self-determination”, at its 38th, 39th and 40th meetings, on 29 and 30 October, and considered proposals and took action on the item at its 44th, 48th and 51st meetings, on 6, 15 and 16 November. An account of the Committee’s discussion is contained in the relevant summary records.¹

3. For its consideration of the item, the Committee had before it the following documents:

¹ A/C.3/73/SR.38, A/C.3/73/SR.39, A/C.3/73/SR.40, A/C.3/73/SR.44, A/C.3/73/SR.48 and A/C.3/73/SR.51.



Item 72**Elimination of racism, racial discrimination, xenophobia and related intolerance**

Report of the Committee on the Elimination of Racial Discrimination on its ninety-third, ninety-fourth and ninety-fifth sessions (A/73/18)

Item 72 (a)**Elimination of racism, racial discrimination, xenophobia and related intolerance**

Note by the Secretary-General transmitting the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/73/312)

Item 72 (b)**Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action**

Report of the Secretary-General on the programme of activities for the implementation of the International Decade for People of African Descent (A/73/354)

Report of the Secretary-General on a global call for action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/73/371)

Report of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action on its fifth session (A/73/98/Add.1)

Note by the Secretary-General on the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action (A/73/98)

Note by the Secretariat on the Working Group of Experts on People of African Descent (A/73/228)

Note by the Secretary-General transmitting the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/73/305 and A/73/305/Corr.1)

4. At its 28th meeting, on 29 October, the Committee heard an introductory statement by the Assistant Secretary-General for Human Rights.

5. At the same meeting, the Committee heard an introductory statement by the Chair of the Working Group of Experts on People of African Descent, who responded to questions raised and comments made by the representatives of Morocco, the European Union, Brazil, South Africa, Mexico and the Islamic Republic of Iran.

6. Also at the same meeting, the Committee heard an introductory statement by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, who responded to questions raised and comments made by the representatives of Mexico, South Africa, the United Kingdom of Great Britain and Northern Ireland, the Russian Federation, the European Union, Cuba, the Islamic Republic of Iran, Turkey, Hungary, Morocco, Belgium and the Syrian Arab Republic.

7. Also at its 38th meeting, the Committee heard an introductory statement by the Chair of the Committee on the Elimination of Racial Discrimination, who responded to questions raised and comments made by the representatives of the Bolivarian Republic of Venezuela (on behalf of the Non-Alignment Movement), Spain, Brazil,

Belgium, Japan, the United States of America, the European Union, Mexico, Slovenia, Latvia and China.

8. At its 39th meeting, on 30 October, the Committee heard an introductory statement by the Chair of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, who responded to questions raised and comments made by the representatives of the European Union, the Syrian Arab Republic, the Russian Federation and Cuba.

II. Consideration of proposals

A. Draft resolutions A/C.3/73/L.53 and A/C.3/73/L.53/Rev.1

9. At the 44th meeting, on 6 November, the representative of the Russian Federation, on behalf of Algeria, Armenia, Bangladesh, Belarus, Bolivia (Plurinational State of), Burundi, China, the Democratic People's Republic of Korea, Eritrea, Kazakhstan, the Lao People's Democratic Republic, Mali, Myanmar, Nicaragua, the Niger, Nigeria, Pakistan, the Russian Federation, the Sudan, the Syrian Arab Republic, Tajikistan, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe, introduced a draft resolution entitled "Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance" (A/C.3/73/L.53). Subsequently, Angola, Benin, Burkina Faso, the Congo, Côte d'Ivoire, Cuba, Ethiopia, Guinea, Guyana, South Sudan, Togo and Uganda joined in sponsoring the draft resolution.

10. At its 48th meeting, on 15 November, the Committee had before it a revised draft resolution (A/C.3/73/L.53/Rev.1), submitted by the sponsors of draft resolution A/C.3/73/L.53 and Angola, Benin, Burkina Faso, the Central African Republic, Congo, Côte d'Ivoire, Cuba, Ethiopia, Guinea, Guyana, South Africa, South Sudan, Togo, and Uganda. Subsequently, Brazil, Cambodia, Equatorial Guinea, the Gambia, Ghana, India, Jordan, Kyrgyzstan, Morocco, Namibia, the Philippines, Serbia, Seychelles, Sierra Leone, Suriname and Turkmenistan joined in sponsoring the draft resolution.

11. At the same meeting, the representative of the Russian Federation made a statement.

12. Also at the same meeting, statements were made by the representatives of Kyrgyzstan (on behalf of the Collective Security Treaty Organization, composed of Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan), Belarus, the Russian Federation and South Africa.

13. Also at the 48th meeting, the representative of the United States made a statement and orally proposed an amendment to the fifteenth preambular paragraph and operative paragraph 5 of the draft resolution.²

14. At the same meeting, the Committee rejected the oral amendment by a recorded vote of 75 to 2, with 88 abstentions. The voting was as follows:

In favour:

Ukraine, United States of America.

² See A/C.3/73/SR.48.

Against:

Algeria, Angola, Armenia, Azerbaijan, Bangladesh, Belarus, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burundi, Cambodia, Chile, China, Colombia, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Eswatini, Ethiopia, Gambia, Ghana, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kazakhstan, Kyrgyzstan, Lao People's Democratic Republic, Mali, Mongolia, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Russian Federation, Sao Tome and Principe, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Somalia, South Africa, South Sudan, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Abstaining:

Albania, Andorra, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Belize, Benin, Bhutan, Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, Central African Republic, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Equatorial Guinea, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Kenya, Kiribati, Kuwait, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Mauritania, Mauritius, Mexico, Monaco, Montenegro, Morocco, Netherlands, New Zealand, Norway, Oman, Paraguay, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Saudi Arabia, Slovakia, Slovenia, Solomon Islands, Spain, Sri Lanka, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu.

15. Before the vote, a statement was made by the representative of Cuba. After the vote, a statement in explanation of vote was made by the representative of Uruguay.

Action on draft resolution A/C.3/73/L.53/Rev.1 as a whole

16. At its 48th meeting, on 15 November, the Committee adopted draft resolution A/C.3/73/L.53/Rev.1 by a recorded vote of 130 to 2, with 51 abstentions (see para. 26, draft resolution I), the voting was as follows:

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iraq, Israel, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone,

Singapore, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Ukraine, United States of America.

Abstaining:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kiribati, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tonga, Turkey, United Kingdom of Great Britain and Northern Ireland.

17. Before the vote, the representative of the Russian Federation made a statement, to which the Chair responded, and a statement in explanation of vote was made by the representatives of the United States and Ukraine. After the vote, statements in explanation of vote were made by the representatives of Austria (on behalf of the European Union), Australia and Canada, and a statement was made by the representative of Nigeria.

B. Draft resolution A/C.3/73/L.52/Rev.1

18. At its 51st meeting, on 16 November, the Committee had before it a draft resolution entitled "A global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action" (A/C.3/73/L.52/Rev.1), which replaced draft resolution A/C.3/73/L.52 and was submitted by Egypt on behalf of the States Members of the United Nations that are members of the Group of 77 and China.

19. At the same meeting, the Committee was informed of the programme budget implications of the draft resolution, contained in document A/C.3/73/L.68.

20. Also at the same meeting, the representative of Egypt, on behalf of the Group of 77 and China, made a statement.

21. Also at the 51st meeting, a statement was made by the representative of Brazil.

22. At the same meeting, the Secretary of the Committee made a statement.

23. Also at the same meeting, the Committee adopted draft resolution A/C.3/73/L.52/Rev.1 by a recorded vote of 128 to 10, with 42 abstentions (see para. 26, draft resolution II). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Fiji, Gabon, Gambia, Ghana,

Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Czechia, France, Germany, Israel, Japan, Marshall Islands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Albania, Andorra, Armenia, Austria, Belgium, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, Georgia, Greece, Hungary, Iceland, Ireland, Italy, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine.

24. Before the vote, the representative of Egypt made a statement, to which the Chair responded, and a statement was made by the representative of Israel. Statements in explanation of vote were made by the representatives of the United States and Austria (on behalf of the European Union and Albania, Bosnia and Herzegovina, the Republic of Moldova, Serbia and the former Yugoslav Republic of Macedonia). After the vote, a statement in explanation of vote was made by the representative of Japan, and a statement was made by the representative of Nigeria.

25. Also at the 51st meeting, the representative of Israel made a statement, to which the Chair responded.

III. Recommendations of the Third Committee

26. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,¹ the International Covenant on Civil and Political Rights,² the International Convention on the Elimination of All Forms of Racial Discrimination³ and other relevant human rights instruments,

Recalling the provisions of Commission on Human Rights resolutions 2004/16 of 16 April 2004⁴ and 2005/5 of 14 April 2005⁵ and relevant Human Rights Council resolutions, in particular resolutions 7/34 of 28 March 2008,⁶ 18/15 of 29 September 2011⁷ and 21/33 of 28 September 2012,⁸ as well as General Assembly resolutions 60/143 of 16 December 2005, 61/147 of 19 December 2006, 62/142 of 18 December 2007, 63/162 of 18 December 2008, 64/147 of 18 December 2009, 65/199 of 21 December 2010, 66/143 of 19 December 2011, 67/154 of 20 December 2012, 68/150 of 18 December 2013, 69/160 of 18 December 2014, 70/139 of 17 December 2015, 71/179 of 19 December 2016 and 72/156 of 19 December 2017 on this issue, and its resolutions 61/149 of 19 December 2006, 62/220 of 22 December 2007, 63/242 of 24 December 2008, 64/148 of 18 December 2009, 65/240 of 24 December 2010, 66/144 of 19 December 2011, 67/155 of 20 December 2012, 68/151 of 18 December 2013, 69/162 of 18 December 2014, 70/140 of 17 December 2015, 71/181 of 19 December 2016 and 72/157 of 19 December 2017 entitled "A global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action",

Acknowledging other important initiatives of the General Assembly aimed at raising awareness about the suffering of victims of racism, racial discrimination, xenophobia and related intolerance and forms of discrimination, including in the historical perspective, in particular regarding commemoration of the victims of slavery and the transatlantic slave trade,

Recalling the Charter of the Nuremberg Tribunal, and the Judgment of the Tribunal which recognized as criminal, inter alia, the SS organization and its integral parts, including the Waffen SS, through its officially accepted members implicated in

¹ Resolution 217 A (III).

² See resolution 2200 A (XXI), annex.

³ United Nations, *Treaty Series*, vol. 660, No. 9464.

⁴ See *Official Records of the Economic and Social Council, 2004, Supplement No. 3 (E/2004/23)*, chap. II, sect. A.

⁵ *Ibid.*, 2005, *Supplement No. 3* and corrigenda (E/2005/23, E/2005/23/Corr.1 and E/2005/23/Corr.2), chap. II, sect. A.

⁶ See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53 (A/63/53)*, chap. II.

⁷ *Ibid.*, *Sixty-sixth Session, Supplement No. 53A* and corrigendum (A/66/53/Add.1 and A/66/53/Add.1/Corr.1), chap. II.

⁸ *Ibid.*, *Sixty-seventh Session, Supplement No. 53A* (A/67/53/Add.1), chap. II.

or with knowledge of the commission of war crimes and crimes against humanity connected with the Second World War, as well as other relevant provisions of the Charter and the Judgment,

Mindful of the horrors of the Second World War, and stressing in this regard that the victory over Nazism in the Second World War contributed to the establishment of the conditions for the creation of the United Nations, designed to prevent future wars and save succeeding generations from the scourge of war,

Noting that neo-Nazism is more than just the glorification of a past movement, it is a contemporary phenomenon with strong vested interests in racial inequality and an investment in gaining broad support for its false claims of racial superiority;

Recalling the relevant provisions of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,⁹ in particular paragraph 2 of the Declaration and paragraphs 84–86 of the Programme of Action, as well as the relevant provisions of the outcome document of the Durban Review Conference of 24 April 2009,¹⁰ in particular paragraphs 11, 13 and 54,

Alarmed at the spread in many parts of the world of various extremist political parties, movements, ideologies and groups of a racist or xenophobic character, including neo-Nazis and skinhead groups, and at the fact that this trend has resulted in the implementation of discriminatory measures and policies at the local or national levels,

Noting with concern that, even where neo-Nazis do not formally participate in government, the presence therein of extreme right-wing ideologues can have the effect of injecting into governance and political discourse the same ideologies that make neo-Nazism so dangerous,

Alarmed at music lyrics and video games that advocate racial hatred and incite discrimination, hostility or violence,

Concerned by the use of Internet platforms by groups that propagate hate to plan, fundraise and circulate information about public events aimed at promoting racism, xenophobia and related intolerance, such as rallies, demonstrations and acts of violence,

Seriously concerned that neo-Nazi groups have increasingly targeted susceptible individuals, mainly children and youth, by means of specifically tailored websites with the aim of their indoctrination,

Deeply concerned by all recent manifestations of violence and terrorism incited by violent nationalism, racism, anti-Semitism, Islamophobia, Afrophobia, xenophobia and related intolerance, including during sports events,

Recognizing with deep concern the alarming increase in instances of discrimination, intolerance and extremist violence motivated by anti-Semitism, Islamophobia and Christianophobia and prejudices against persons of other ethnic origins, religions and beliefs,

Noting with concern that the variation in national standards prohibiting hate speech may provide safe havens for neo-Nazi, violent nationalist, xenophobic or racist speech owing to the fact that many neo-Nazi and relevant extremist groups of a racist or xenophobic character operate transnationally by relying on Internet service providers or social media platforms,

⁹ See A/CONF.189/12 and A/CONF.189/12/Corr.1, chap. I.

¹⁰ See A/CONF.211/8, chap. I.

Expressing its concern about the use of digital technologies by neo-Nazis and other hate groups to disseminate their ideology, while recognizing that digital technologies are of great importance for the enjoyment of human rights and for combating racism, racial discrimination, xenophobia and related intolerance,

1. *Reaffirms* the relevant provisions of the Durban Declaration⁹ and of the outcome document of the Durban Review Conference,¹⁰ in which States condemned the persistence and resurgence of neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial and national prejudice and stated that those phenomena could never be justified in any instance or in any circumstances;

2. *Recalls* the provisions of the Durban Declaration and of the outcome document of the Durban Review Conference, in which States recognized the positive contribution that the exercise of the right to freedom of expression, in particular by the media and new technologies, including the Internet, and full respect for the freedom to seek, receive and impart information, can make to the fight against racism, racial discrimination, xenophobia and related intolerance;

3. *Takes note with appreciation* of the report of the Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, prepared in accordance with the request contained in its resolution 72/156;¹¹

4. *Expresses its appreciation* to the United Nations High Commissioner for Human Rights and her Office for their efforts to fight racism, racial discrimination, xenophobia and related intolerance, including the maintenance by the Office of the United Nations High Commissioner for Human Rights of the database on practical means to combat racism, racial discrimination, xenophobia and related intolerance;

5. *Expresses deep concern* about the glorification, in any form, of the Nazi movement, neo-Nazism and former members of the Waffen SS organization, including by erecting monuments and memorials and holding public demonstrations in the name of the glorification of the Nazi past, the Nazi movement and neo-Nazism, as well as by declaring or attempting to declare such members and those who fought against the anti-Hitler coalition and collaborated with the Nazi movement participants in national liberation movements;

6. *Calls for* the universal ratification and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, and encourages those States parties that have not yet done so to consider making the declaration under its article 14, thus providing the Committee on the Elimination of Racial Discrimination with the competence to receive and consider communications from individuals or groups of individuals within their jurisdiction claiming to be victims of a violation by a State party of any of the rights set forth in the Convention;

7. *Encourages* States to eliminate all forms of racial discrimination by all appropriate means, including legislation as required by circumstances, while ensuring that the definition of racial discrimination set out therein complies with article 1 of the Convention;

8. *Encourages* those States that have made reservations to article 4 of the Convention to give serious consideration to withdrawing such reservations as a matter of priority, as stressed by the Special Rapporteur;

9. *Acknowledges* that racism, racial discrimination, xenophobia and related intolerance in all its forms and manifestations, including neo-Nazism, Islamophobia,

¹¹ A/73/312.

Christianophobia and anti-Semitism, are a threat to societies as a whole, not just to those racial and ethnic groups that are their direct target;

10. *Recalls* that any legislative or constitutional measures adopted with a view to countering extremist political parties, movements, ideologies and groups of a racist or xenophobic character, including neo-Nazis and skinhead groups and similar extremist ideological movements, should be in conformity with the relevant international human rights obligations, in particular articles 4 and 5 of the Convention and articles 19 to 22 of the International Covenant on Civil and Political Rights;

11. *Encourages* States parties to the Convention to ensure that their legislation is in accordance with their obligations under the Convention, including those under article 4;

12. *Emphasizes once more* the recommendation of the Special Rapporteur that "any commemorative celebration of the Nazi regime, its allies and related organizations, whether official or unofficial, should be prohibited" by States,¹² also emphasizes that such manifestations do injustice to the memory of the countless victims of the Second World War and negatively influence children and young people, and stresses in this regard that it is important that States take measures, in accordance with international human rights law, to counteract any celebration of the Nazi SS organization and all its integral parts, including the Waffen SS, and that failure by States to effectively address such practices is incompatible with the obligations of States Members of the United Nations under its Charter;

13. *Expresses deep concern* about increased frequency of attempts and activities intended to desecrate or demolish monuments erected in remembrance of those who fought against Nazism during the Second World War, as well as to unlawfully exhume or remove the remains of such persons, and in this regard urges States to fully comply with their relevant obligations, inter alia, under article 34 of Additional Protocol I to the Geneva Conventions of 1949;¹³

14. *Firmly condemns* incidents that glorify and promote Nazism, such as acts involving pro-Nazi graffiti and paintings, including on monuments dedicated to victims of the Second World War;

15. *Notes with concern* the use of the Internet and social media by neo-Nazi groups to amplify their hate-filled messages and recruit new members across borders, while recognizing that the Internet can also be used to counteract these groups and their activities;

16. *Also notes with concern* the significant number of racist incidents worldwide, including the rise of skinhead groups, which have been responsible for many of these incidents, as well as the resurgence of racist and xenophobic violence targeting, inter alia, persons belonging to national or ethnic, religious and linguistic minorities, or on any other grounds, including arson attacks on houses and vandalization of and violence in schools and places of worship;

17. *Reaffirms* that such acts may be qualified as falling within the scope of the Convention, that they may not be justified when they fall outside the scope of the rights to freedom of peaceful assembly and of association as well as the rights to freedom of expression and that they may fall within the scope of article 20 of the International Covenant on Civil and Political Rights and may be subject to certain restrictions, as set out in articles 19, 21 and 22 of the Covenant;

¹² A/72/291, para. 79.

¹³ United Nations, *Treaty Series*, vol. 1125, No. 17512.

18. *Encourages* States to take appropriate concrete measures, including legislative and educational ones, in accordance with their international human rights obligations, in order to prevent revisionism in respect of the Second World War and the denial of the crimes against humanity and war crimes committed during the Second World War;

19. *Takes note* of the recommendation of the Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance that education that seeks to undercut the racist effects of nationalist populism should include accurate and representative accounts of national history that give voice to racial and ethnic diversity and that expose the untruths of those who attempt to write ethnic groups out of national histories and identities in order to sustain ethno-nationalist myths of racially or ethnically "pure" nations;

20. *Condemns without reservation* any denial of or attempt to deny the Holocaust, as well as any manifestation of religious intolerance, incitement, harassment or violence against persons or communities on the basis of ethnic origin or religious belief;

21. *Welcomes* the call of the Special Rapporteur for the active preservation of those Holocaust sites that served as Nazi death camps, concentration and forced labour camps and prisons, as well as his encouragement to States to take measures, including legislative, law enforcement and educational measures, to put an end to all forms of Holocaust denial;¹⁴

22. *Takes note* of the conclusion of the Special Rapporteur that revisionism and attempts to falsify history may, in certain circumstances, fall under the prohibition of hate speech under article 4 (a) of the Convention, which States are required to declare as offences punishable by law;¹⁵

23. *Calls upon* States to continue to take adequate steps, including through national legislation, in accordance with international human rights law, aimed at preventing and countering hate speech and incitement to violence against persons in vulnerable situations and, where necessary, to consider reviewing national anti-racism legislation in the light of the increasingly open expression of hate speech and incitement to violence against such persons;

24. *Expresses deep concern* at the increase in instances of groups and individuals espousing ideologies of hatred through the Internet to disseminate ideas based on racial superiority or hatred, organize meetings and violent protests, fundraise and engage in other activities;

25. *Also expresses deep concern* about attempts at commercial advertising aimed at exploiting the sufferings of the victims of war crimes and crimes against humanity committed during the Second World War by the Nazi regime;

26. *Stresses* that the practices described above do injustice to the memory of the countless victims of crimes against humanity committed in the Second World War, in particular those committed by the SS organization and by those who fought against the anti-Hitler coalition and collaborated with the Nazi movement, and may negatively influence children and young people, and that failure by States to effectively address such practices is incompatible with the obligations of States Members of the United Nations under its Charter, including those related to the purposes and principles of the Organization;

¹⁴ A/72/291, para. 91.

¹⁵ A/HRC/38/53, para. 15.

27. *Also stresses* that all such practices may fuel contemporary forms of racism, racial discrimination, anti-Semitism, Islamophobia, Christianophobia, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups of a racist or xenophobic character, including neo-Nazis and skinhead groups, and in this regard calls for increased vigilance;

28. *Expresses concern* that the human rights and democratic challenges posed by extremist political parties, movements and groups are universal and no country is immune to them;

29. *Emphasizes* the need to take the measures necessary to counter the practices described above, and calls upon States and all other stakeholders to take more effective measures in accordance with international human rights law to prevent, counter and combat those phenomena and extremist movements of a racist or xenophobic character, which pose a real threat to democratic values, and to increase their vigilance and be proactive in strengthening their efforts to recognize and effectively address those challenges;

30. *Underlines* the importance of data and statistics on racist and xenophobic crimes for identifying the types of offences committed, the profiles of victims and of perpetrators and whether the latter are affiliated with extremist movements or groups, thus enhancing better understanding of the phenomenon and identifying effective measures to address such racist and xenophobic crimes, and recalls in this regard the commitments made in the 2030 Agenda for Sustainable Development¹⁶ on data, monitoring and accountability, including collecting data disaggregated by characteristics relevant in national contexts;

31. *Encourages* States to adopt further measures to support training for the police and other law enforcement bodies on the ideologies of extremist political parties, movements and groups whose advocacy constitutes incitement to racist and xenophobic violence, to strengthen their capacity to address racist and xenophobic crimes, to fulfil their responsibility for bringing to justice the perpetrators of such crimes and to combat impunity;

32. *Expresses deep concern* about the increased number of seats occupied by representatives of extremist parties of a racist or xenophobic character in a number of national and local parliaments, and emphasizes in this regard the need for all democratic political parties to base their programmes and activities on respect for human rights and freedoms, democracy, the rule of law and good governance and to condemn all messages disseminating ideas that are based on racial superiority or hatred and that have the objective of fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

33. *Takes note* of the concern of the Special Rapporteur regarding the resurgence of neo-Nazism in contemporary times and growing support for and acceptance of neo-Nazism and related ideology in an increasing number of countries;

34. *Notes with appreciation*, in this regard, the call of the Special Rapporteur upon political leaders and parties to strongly condemn incitement to racial discrimination or xenophobia, to promote tolerance and respect and to refrain from forming coalitions with extremist parties of a racist or xenophobic character;¹⁷

35. *Takes note* of the recommendation of the Special Rapporteur to continue to take steps through national legislation, in accordance with international human rights law, aimed at preventing hate speech and incitement to violence and to

¹⁶ Resolution 70/1.

¹⁷ A/72/291, para. 83.

withdraw support — financial and otherwise — from political parties and other organizations that engage in neo-Nazi or other hate speech;¹⁸

36. *Expresses concern* that ethnic and racial profiling and police violence against persons in vulnerable situations discourage victims from seeking redress owing to distrust of the legal system, and in this regard encourages States to improve diversity within law enforcement agencies and to impose appropriate sanctions against those within the public service found to have committed racially motivated violence or used hate speech;

37. *Expresses deep concern* about the increase in reported cases of racist, anti-Semitic, Islamophobic, Arabophobic, Afrophobic and xenophobic manifestations during sports events, including those committed by extremist groups of a racist or xenophobic character, including neo-Nazis and skinhead groups, and calls upon States, sports federations and other relevant stakeholders to strengthen measures to address such incidents, while also welcoming the steps that many States, sports federations and clubs have taken to eliminate racism at sporting events, including through sport practised without discrimination of any kind and in the Olympic spirit, which require human understanding, tolerance, inclusion, fair play and solidarity;

38. *Recalls* the recommendation of the Special Rapporteur to introduce into national criminal law a provision according to which committing an offence with racist or xenophobic motivations or aims constitutes an aggravating circumstance, allowing for enhanced penalties,¹⁹ and encourages those States whose legislation does not contain such provisions to consider that recommendation;

39. *Notes* measures taken by States to prevent discrimination against, in particular but not limited to, persons belonging to national or ethnic, religious and linguistic minorities, people of African descent, Roma, migrants, refugees and asylum seekers, and to ensure their integration into society, urges States to ensure the full and effective implementation of legal, policy and institutional measures protecting these individuals and groups, including women and girls, and recommends that States effectively guarantee to everyone, without discrimination of any kind, their human rights, including those related to safety and security, access to justice, adequate reparation and appropriate information about their rights, and pursue prosecution and adequate punishment, as appropriate, of those responsible for racist and xenophobic crimes against them, including the possibility of seeking reparation or satisfaction for damages suffered as a result of such crimes;

40. *Underlines* that the roots of extremism are multifaceted and must be addressed through adequate measures such as education, awareness-raising and the promotion of dialogue, and in this regard recommends the increase of measures to raise awareness among young people of the dangers of the ideologies and activities of extremist political parties, movements and groups;

41. *Reaffirms*, in this regard, the particular importance of all forms of education, including human rights education, as a complement to legislative measures, and calls upon States to continue to invest in education, in both conventional and non-conventional curricula, inter alia, in order to transform attitudes and counteract ideas of racial hierarchies and superiority, and counter their negative influence, and to promote the values of non-discrimination, equality and respect for all, as outlined by the Special Rapporteur;

42. *Recognizes* the paramount role of education in promoting human rights and combating racism, racial discrimination, xenophobia and related intolerance,

¹⁸ A/HRC/38/53, para. 35 (c).

¹⁹ A/69/334, para. 81.

especially in promoting the principles of tolerance, inclusion and respect for ethnic, religious and cultural diversity and preventing the spread of extremist racist and xenophobic movements and ideas;

43. *Emphasizes* the recommendation of the Special Rapporteur presented at the sixty-fourth session of the General Assembly, in which he emphasized the importance of history classes in teaching the dramatic events and human suffering which arose out of the adoption of ideologies such as Nazism and Fascism;²⁰

44. *Stresses* the importance of other positive measures and initiatives aimed at bringing communities together and providing them with space for genuine dialogue, such as round tables, working groups and seminars, including training seminars for State agents and media professionals, as well as awareness-raising activities, especially those initiated by civil society representatives, which require continued State support;

45. *Underlines* the positive role that relevant United Nations entities and programmes, in particular the United Nations Educational, Scientific and Cultural Organization, can play in the aforementioned areas;

46. *Reaffirms* article 4 of the Convention, according to which States parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights¹ and the rights expressly set forth in article 5 of the Convention, inter alia:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, and incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination;

47. *Also reaffirms* that, as underlined in paragraph 13 of the outcome document of the Durban Review Conference, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence should be prohibited by law, that all dissemination of ideas based on racial superiority or hatred, or incitement to racial discrimination, as well as all acts of violence or incitement to such acts, shall be declared offences punishable by law, in accordance with the international obligations of States, and that these prohibitions are consistent with freedom of opinion and expression;

48. *Recognizes* the positive role that the exercise of the right to freedom of opinion and expression, as well as full respect for the freedom to seek, receive and impart information, including through the Internet, can play in combating racism, racial discrimination, xenophobia and related intolerance;

²⁰ A/64/295, para. 104.

49. *Encourages* States to strengthen freedom of expression, which can play a crucial role in promoting democracy and combating racist and xenophobic ideologies based on racial superiority;

50. *Expresses concern* about the increased use of the Internet to promote and disseminate racism, racial hatred, xenophobia, racial discrimination and related intolerance, and in this regard calls upon States parties to the International Covenant on Civil and Political Rights to counter the dissemination of the above-mentioned ideas while respecting their obligations under articles 19 and 20 of the Covenant, which guarantee the right to freedom of expression and outline the grounds on which the exercise of this right can be legitimately restricted;

51. *Recognizes* the need to promote the use of new information and communications technologies, including the Internet, to contribute to the fight against racism, racial discrimination, xenophobia and related intolerance;

52. *Also recognizes* the positive role that the media can play in combating racism, racial discrimination, xenophobia and related intolerance, promoting a culture of tolerance and inclusion and representing the diversity of a multicultural society;

53. *Encourages* States, civil society and other relevant stakeholders to use all opportunities, including those provided by the Internet and social media, to counter, in accordance with international human rights law, the dissemination of ideas based on racial superiority or hatred and to promote the values of equality, non-discrimination, diversity and democracy;

54. *Also encourages* national human rights institutions, where they exist, to develop appropriate programmes to promote tolerance, inclusion and respect for all and to collect relevant information in this regard;

55. *Notes* the importance of strengthening cooperation at the regional and international levels with the aim of countering all manifestations of racism, racial discrimination, xenophobia and related intolerance, in particular regarding issues raised in the present resolution;

56. *Stresses* the importance of cooperating closely with civil society and international and regional human rights mechanisms in order to counter effectively all manifestations of racism, racial discrimination, xenophobia and related intolerance, as well as extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and other similar extremist ideological movements that incite racism, racial discrimination, xenophobia and related intolerance;

57. *Recalls* the request of the Commission on Human Rights, in its resolution 2005/5,⁵ that the Special Rapporteur continue to reflect on this issue, make relevant recommendations in future reports and seek and take into account in this regard the views of Governments and non-governmental organizations;

58. *Invites* States to consider including in their reports for the universal periodic review and their reports to relevant treaty bodies information on the steps taken to combat racism, racial discrimination, xenophobia and related intolerance, including with the aim of implementing the provisions of the present resolution;

59. *Requests* the Special Rapporteur to prepare, for submission to the General Assembly at its seventy-fourth session and to the Human Rights Council at its forty-first session, reports on the implementation of the present resolution, and encourages the Special Rapporteur to pay specific attention to paragraphs 5, 11, 12, 13, 16, 23, 25, 42 and 43 above, based on the views collected in accordance with the request of the Commission, as recalled in paragraph 57 above;

60. *Expresses its appreciation* to those Governments and non-governmental organizations that have submitted information to the Special Rapporteur in the course of the preparation of her report to the General Assembly;

61. *Encourages* States and non-governmental organizations to provide information to the Special Rapporteur on developments with regard to the issues raised in the present resolution in order to contribute to the preparation of future reports to the General Assembly;

62. *Stresses* that such information is important for the sharing of experiences and best practices in the fight against extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and other extremist ideological movements that incite racism, racial discrimination, xenophobia and related intolerance;

63. *Encourages* Governments to invest more resources in building and sharing knowledge on successful positive measures to prevent and counter racism, racial discrimination, xenophobia and related intolerance that go beyond sanctioning violence once they have occurred, including the provision of remedies to victims of relevant violations;

64. *Encourages* Governments and non-governmental organizations to cooperate fully with the Special Rapporteur in the exercise of the tasks outlined in paragraph 59 above;

65. *Encourages* Governments, non-governmental organizations and relevant actors to disseminate as widely as possible, information regarding the contents of and the principles contained in the present resolution, including through the media, but not limited to it;

66. *Decides* to remain seized of the issue.

Draft resolution II

A global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling all its previous resolutions on the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action adopted by the World Conference,¹ in particular its resolutions 66/144 of 19 December 2011 and 67/155 of 20 December 2012, and in this regard underlining the imperative need for their full and effective implementation,

Acknowledging that 2018 marks the centenary of the life and legacy of Nelson Mandela, who dedicated his life to the struggle for freedom, human dignity, equality and justice, as well as the promotion, protection and fulfilment of all human rights and fundamental freedoms,

Recalling the suffering of the victims of racism, racial discrimination, xenophobia and related intolerance, and the need to honour their memory,

Calling upon States to honour the memory of victims of the historical injustices of slavery, the slave trade, including the transatlantic slave trade, colonialism and apartheid,

Stressing that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance has the same status as the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields, and that the Durban Declaration and Programme of Action remains a solid basis and the only instructive outcome of the World Conference, which prescribes comprehensive measures for combating all the scourges of racism and adequate remedies for victims, and noting with concern the lack of effective implementation thereof,

Underlining the need to promote tolerance, inclusion and respect for diversity and the need to seek common ground among and within civilizations in order to address common challenges to humanity that threaten shared values, universal human rights and the fight against racism, racial discrimination, xenophobia and related intolerance, through cooperation, partnership and inclusion,

Alarmed at the spread in many parts of the world of various racist extremist movements based on ideologies that seek to promote populist, nationalist, right-wing agendas and racial superiority, and stressing that these practices fuel racism, racial discrimination, xenophobia and related intolerance,

Deploping the ongoing and resurgent scourges of racism, racial discrimination, xenophobia and related intolerance in many regions of the world, often targeting migrants and refugees, as well as people of African descent, expressing concern that some political leaders and parties have supported such an environment, and in this context expressing its support for migrants and refugees in the context of the severe discrimination that they may face,

Recalling the three Decades for Action to Combat Racism and Racial Discrimination previously declared by the General Assembly, and regretting that the

¹ See A/CONF.189/12 and A/CONF.189/12/Corr.1, chap. I.

Programmes of Action for those Decades were not fully implemented and that their objectives have yet to be attained.

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Underlining the intensity, magnitude and organized nature of slavery and the slave trade, including the transatlantic slave trade, and the associated historical injustices, as well as the untold suffering caused by colonialism and apartheid, and that Africans and people of African descent, Asians and people of Asian descent and indigenous peoples continue to be victims, and acknowledging that the ongoing effects must be remedied,

Acknowledging the efforts and initiatives undertaken by States to prohibit racial discrimination and racial segregation and to engender the full enjoyment of economic, social and cultural rights, as well as civil and political rights,

Emphasizing that, despite efforts in this regard, millions of human beings continue to be victims of racism, racial discrimination, xenophobia and related intolerance, including their contemporary forms and manifestations, some of which manifest in violent forms,

Welcoming the efforts made by civil society in support of the follow-up mechanisms in the implementation of the Durban Declaration and Programme of Action,

Recalling the appointment of the five independent eminent experts by the Secretary-General on 16 June 2003, pursuant to General Assembly resolution 56/266 of 27 March 2002, with the mandate to follow up on the implementation of the provisions of the Durban Declaration and Programme of Action and to make appropriate recommendations thereon,

Underlining the primacy of the political will, international cooperation and adequate funding at the national, regional and international levels needed to address all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance for the successful implementation of the Durban Declaration and Programme of Action,

Recalling its resolution 2142 (XXI) of 26 October 1966, in which it proclaimed 21 March as the International Day for the Elimination of Racial Discrimination,

Recalling also its resolution 62/122 of 17 December 2007, in which it designated 25 March as the annual International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade,

Recalling further, in the above context, the erection of the permanent memorial for the victims of slavery and the slave trade, including the transatlantic slave trade, the *Ark of Return*, based on the theme "Acknowledge the tragedy, consider the legacy, lest we forget",

Welcoming the call upon all the former colonial Powers for reparations, consistent with paragraphs 157 and 158 of the Durban Programme of Action, to redress the historical injustices of slavery and the slave trade, including the transatlantic slave trade,

Recognizing and affirming that the global fight against racism, racial discrimination, xenophobia and related intolerance and all their abhorrent and

contemporary forms and manifestations is a matter of priority for the international community,

I

International Convention on the Elimination of All Forms of Racial Discrimination

1. *Reaffirms* the paramount importance of universal adherence to and the full and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,² adopted by the General Assembly in its resolution 2106 A (XX) of 21 December 1965, in addressing the scourges of racism and racial discrimination;

2. *Calls upon* States that have not done so to accede to and/or ratify the Convention, and States parties to consider making the declaration under article 14 of the Convention, as well as to consider withdrawing reservations to article 4 of the Convention, as a matter of urgency, in view of the fact that the continued maintenance of reservations negates the essence of the instrument and defeats its objects and purposes;

3. *Underlines*, in the above context, that the provisions of the Convention do not respond effectively to contemporary manifestations of racial discrimination, in particular in relation to xenophobia and related intolerance, which is recognized as the rationale behind the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001;

4. *Takes note* of the acknowledgement by the Human Rights Council and its subsidiary structures of the existence of both procedural and substantive gaps in the Convention, which must be filled as a matter of urgency, necessity and priority;

5. *Expresses its concern* at the lack of progress in the elaboration of complementary standards to the Convention to fill existing gaps through the development of new normative standards aimed at combating all forms of contemporary and resurgent scourges of racism;

6. *Welcomes* Human Rights Council resolution 34/36 of 24 March 2017,³ in which the Council requested the Chairperson-Rapporteur of the Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination to ensure the commencement of the negotiations on the draft additional protocol to the Convention criminalizing acts of a racist and xenophobic nature during the tenth session of the Ad Hoc Committee;

7. *Requests* the Chairperson-Rapporteur of the Ad Hoc Committee on the Elaboration of Complementary Standards to present a progress report to the General Assembly at its seventy-fourth session;

II

International Decade for People of African Descent

8. *Welcomes* the proclamation of the International Decade for People of African Descent, as contained in its resolution 68/237 of 23 December 2013, and the celebratory launch of the Decade on 10 December 2014;

² United Nations, *Treaty Series*, vol. 660, No. 9464.

³ See *Official Records of the General Assembly, Seventy-second Session, Supplement No. 53* (A/72/53), chap. IV, sect. A.

9. *Recalls* the draft programme of action for the International Decade for People of African Descent as an instructive framework in which all the initiatives aimed at improving the quality of life of people of African descent are anchored and which, if adopted, would complement the programme of activities for the implementation of the International Decade for People of African Descent, in which it recommended the establishment of a forum on people of African descent and giving consideration to the elaboration of a draft United Nations declaration on the promotion and full respect of human rights of people of African descent;

10. *Takes note* of the reports of the Secretary-General on the programme of activities for the implementation of the International Decade for People of African Descent⁴ and on a global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;⁵

11. *Also takes note* of the report of the Working Group of Experts on People of African Descent,⁶ invites the Human Rights Council, through the Chair of the Working Group, to continue to submit a report on the work of the Working Group to the General Assembly, and in this regard invites the Chair of the Working Group to engage in an interactive dialogue with the Assembly under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance" at its seventy-fourth session;

12. *Decides* to establish a permanent forum on people of African descent, which will serve as a consultation mechanism for people of African descent and other interested stakeholders as a platform for improving the quality of life and livelihoods of people of African descent and to contribute to elaborating a United Nations declaration, which is the first step towards a legally binding instrument, on the promotion and full respect of human rights of people of African descent, and that the modalities, format and substantive and procedural aspects of the permanent forum will be concluded by Member States and observer States, with further consultations with people of African descent;

13. *Requests* the Office of the United Nations High Commissioner for Human Rights and the Department of Public Information of the Secretariat to accelerate efforts and strengthen awareness-raising public information campaigns in support of the International Decade for People of African Descent through the use of social networks and digital media, including the wide distribution of user-friendly, concise and accessible versions of material in this regard;

14. *Requests* the Human Rights Council, in consultation with relevant mechanisms such as the Working Group of Experts on People of African Descent, to initiate, as a matter of necessity, priority and urgency, the preparatory process for the midterm review for the International Decade for People of African Descent and to prepare a programme in this regard and report to the General Assembly at its seventy-fourth session;

III

Office of the United Nations High Commissioner for Human Rights

15. *Notes with concern* the removal of the historic and landmark World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 2001 from among the 20 major achievements of the Office of the

⁴ A/73/354.

⁵ A/73/371.

⁶ See A/73/228.

United Nations High Commissioner for Human Rights since the adoption of the Vienna Declaration and Programme of Action in 1993;⁷

16. *Requests* the Secretary-General and the Office of the High Commissioner to provide the resources necessary for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent, the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action and the Ad Hoc Committee on the Elaboration of Complementary Standards, and in this regard to ensure the participation of experts in each session of those follow-up mechanisms in order to provide advice on the specific issues under discussion and assist the mechanisms in their deliberations and the adoption of action-oriented recommendations in relation to the implementation of the Declaration and Programme of Action;

IV

Group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action

17. *Welcomes* the note by the Secretary-General on the appointment to fill the existing vacancies in the group of independent eminent experts,⁸ and in this regard notes that the group held its fifth session in Geneva from 8 to 11 October 2018;

V

Trust fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination

18. *Recalls* the establishment by the Secretary-General, in 1973, of the trust fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination as a funding mechanism that has been utilized for the implementation of the activities of the three Decades for Action to Combat Racism and Racial Discrimination declared by the General Assembly, and in this regard appreciates the fact that the trust fund has also been utilized for the subsequent programmes and operational activities transcending the three Decades;

19. *Requests* the Secretary-General to include, in his report on the implementation of the present resolution to the General Assembly at its seventy-fourth session, a section outlining the progress in the implementation of paragraph 18 of its resolution 68/151 of 18 December 2013 regarding the revitalization of the trust fund for the purpose of ensuring the successful implementation of the activities of the International Decade for People of African Descent and enhancing the effectiveness of the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action;¹

20. *Strongly appeals* to all Governments, intergovernmental and non-governmental organizations and individuals, as well as other donors in a position to do so, to contribute generously to the trust fund, and to that end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

⁷ A/CONF.157/24 (Part I), chap. III.

⁸ A/73/98.

VI

Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

21. *Takes note* of the report of the Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,⁹ and encourages the Special Rapporteur, within her mandate, to continue to focus on the issues of racism, racial discrimination, xenophobia and related intolerance and incitement to hatred, which impede peaceful coexistence and harmony within societies, and to submit reports in this regard to the Human Rights Council and the General Assembly;

22. *Reiterates its previous requests* to the Special Rapporteur to consider examining national models of mechanisms that measure racial equality and their value added in the eradication of racial discrimination and to report on such challenges, successes and best practices in her next report, and expresses concern at the lack of progress in this regard;

VII

Follow-up and implementation activities

23. *Requests* the Human Rights Council to consider, at its fortieth session, the question of developing a multi-year programme of activities to provide for the renewed and strengthened outreach activities needed to inform and mobilize the global public in support of the Durban Declaration and Programme of Action and to strengthen awareness of the contribution that they have made in the struggle against racism, racial discrimination, xenophobia and related intolerance, in consultation with Member States, national human rights institutions, relevant civil society organizations and United Nations agencies, funds and programmes;

24. *Also requests* the Human Rights Council to continue to pay attention to the situation regarding racial equality in the world, and in this regard requests the Council, through its Advisory Committee, to prepare a study on appropriate ways and means of assessing the situation, while identifying possible gaps and overlaps;

25. *Welcomes* the commemorative plenary meeting of the General Assembly held on 21 March 2018 to mark the International Day for the Elimination of Racial Discrimination, on the theme "Promoting tolerance, inclusion, unity and respect for diversity in the context of combating racial discrimination";

26. *Requests* the Secretary-General to submit to the General Assembly at its seventy-fourth session a report on the implementation of the present resolution;

27. *Requests* the President of the General Assembly and the President of the Human Rights Council to continue to convene annual commemorative meetings of the Assembly and the Council during the commemoration of the International Day for the Elimination of Racial Discrimination, with the appropriate focus and themes, and to hold a debate on the mitigation and countering of rising nationalist populism and extreme supremacist ideologies, with the participation of the Secretary-General and the United Nations High Commissioner for Human Rights, and in this context encourages the participation of eminent personalities active in the struggle against racial discrimination, Member States and civil society organizations in accordance with the rules of procedure of the Assembly and the Council, respectively;

28. *Decides* to remain seized of this priority matter at its seventy-fourth session under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance".

⁹ A/73/305 and A/73/305/Corr.1.



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Agenda item 73

Right of peoples to self-determination

Report of the Third Committee

Rapporteur: Ms. Katharina **Konzett-Stoffl** (Austria)

I. Introduction

1. At its 3rd plenary meeting, on 21 September 2018, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-third session the item entitled "Right of peoples to self-determination" and to allocate it to the Third Committee.
2. The Third Committee held a general discussion on the item jointly with item 72, entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance", at its 38th, 39th and 40th meetings, on 29 and 30 October 2018, and considered proposals and took action on item 73 at its 45th, 46th, 48th and 52nd meetings, on 8, 13, 15 and 19 November. An account of the Committee's discussion is contained in the relevant summary records.¹
3. For its consideration of the item, the Committee had before it the following documents:
 - (a) Report of the Secretary-General on the right of peoples to self-determination (A/73/329);
 - (b) Note by the Secretariat transmitting the report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/73/303).
4. At its 38th meeting, on 29 October, the Committee heard an introductory statement by the Assistant Secretary-General for Human Rights.
5. At the same meeting, the Committee heard an introductory statement by the Chair of the Working Group of Experts on People of African Descent, who engaged

¹ A/C.3/73/SR.38, A/C.3/73/SR.39, A/C.3/73/SR.40, A/C.3/73/SR.45, A/C.3/73/SR.46, A/C.3/73/SR.48 and A/C.3/73/SR.52.



in an interactive dialogue with the representatives of Morocco, the European Union, Brazil, South Africa, Mexico and the Islamic Republic of Iran.

6. Also at the same meeting, the Committee heard an introductory statement by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, who engaged in an interactive dialogue with the representatives of Mexico, South Africa, the United Kingdom of Great Britain and Northern Ireland, the Russian Federation, the European Union, Cuba, the Islamic Republic of Iran, Turkey, Hungary, Morocco, Belgium and the Syrian Arab Republic.

7. Also at its 38th meeting, the Committee heard an introductory statement by the Chair of the Committee on the Elimination of Racial Discrimination, who engaged in an interactive dialogue with the representatives of the Bolivarian Republic of Venezuela (on behalf of the Non-Aligned Movement), Spain, Brazil, Belgium, Japan, the United States of America, the European Union, Mexico, Slovenia, Latvia and China.

8. At its 39th meeting, on 30 October, the Committee heard an introductory statement by the Chair of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, who engaged in an interactive dialogue with the representatives of the European Union, the Syrian Arab Republic, the Russian Federation and Cuba.

II. Consideration of proposals

A. Draft resolution A/C.3/73/L.29

9. At its 48th meeting, on 15 November, the Committee had before it a draft resolution entitled "The right of the Palestinian people to self-determination" (A/C.3/73/L.29), submitted by Bolivia (Plurinational State of), the Democratic People's Republic of Korea, Ecuador, Egypt (on behalf of the States Members of the United Nations that are members of the Organization of Islamic Cooperation), Venezuela (Bolivarian Republic of), Viet Nam, Zambia and the State of Palestine. Subsequently, Andorra, Angola, Armenia, Austria, Belarus, Belgium, Belize, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Chile, China, Costa Rica, Croatia, Cuba, Cyprus, Czechia, Denmark, El Salvador, Estonia, Ethiopia, Finland, France, Germany, Ghana, Greece, Hungary, Iceland, India, Ireland, Italy, Kenya, the Lao People's Democratic Republic, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Monaco, Montenegro, Namibia, the Netherlands, New Zealand, Nicaragua, Norway, Peru, Poland, Portugal, Romania, the Russian Federation, Saint Vincent and the Grenadines, San Marino, Serbia, Seychelles, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, the Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Zimbabwe joined in sponsoring the draft resolution.

10. At the same meeting, the representative of Egypt, on behalf of the Organization of Islamic Cooperation, made a statement.

11. Also at the same meeting, the Committee adopted draft resolution A/C.3/73/L.29 by a recorded vote of 169 to 6, with 12 abstentions (see para. 24, draft resolution I). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State

of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cambodia, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czechia, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Canada, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, United States of America.

Abstaining:

Australia, Cameroon, Côte d'Ivoire, Democratic Republic of the Congo, Honduras, Kiribati, Palau, Rwanda, South Sudan, Togo, Tonga, Vanuatu.

12. Before the vote, a statement was made by the representative of Egypt, to which the Chair responded; a statement was also made by the representative of Israel. After the vote, a statement in explanation of vote was made by the representative of Argentina; a statement was also made by the observer of the State of Palestine.

B. Draft resolution A/C.3/73/L.37

13. At the 45th meeting, on 8 November, the representative of Cuba, on behalf of Algeria, Belarus, Bolivia (Plurinational State of), China, Cuba, the Democratic People's Republic of Korea, Ecuador, Eritrea, Lesotho, Myanmar, Nicaragua and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination" (A/C.3/73/L.37). Subsequently, Botswana, Burundi, Chile, the Comoros, Equatorial Guinea, Guinea, the Lao People's Democratic Republic, Libya, Mali, Namibia, Saint Vincent and the Grenadines, South Africa, South Sudan, Sri Lanka, Uganda and Zimbabwe joined in sponsoring the draft resolution.

14. At the 46th meeting, on 13 November, the representative of Cuba made a statement.

15. At the same meeting, Angola, Benin, Cameroon, Chad, Egypt, Ghana, Madagascar, Malaysia, the Niger, Nigeria, Sao Tome and Principe and the Sudan joined in sponsoring the draft resolution.

16. Also at the same meeting, the representative of Equatorial Guinea made a statement.

17. Also at its 46th meeting, the Committee adopted draft resolution A/C.3/73/L.37 by a recorded vote of 131 to 52, with 7 abstentions (see para. 24, draft resolution II). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, Chile, China, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, Gambia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Colombia, Fiji, Liberia, Mexico, Palau, Switzerland, Tonga.

18. Before the vote, a statement was made by the representative of Cuba, to which the Chair responded; a statement in explanation of vote was made by the representative of Austria (on behalf of the European Union and Albania, Bosnia and Herzegovina, Serbia and the former Yugoslav Republic of Macedonia). After the vote, a statement was made by the representative of Argentina.

C. Draft resolution A/C.3/73/L.54

19. At its 52nd meeting, on 19 November, the Committee had before it a draft resolution entitled "Universal realization of the right of peoples to self-determination" (A/C.3/73/L.54), submitted by Algeria, Angola, Armenia, Azerbaijan, Belarus, Bolivia (Plurinational State of), Burundi, China, the Comoros, Ecuador, El Salvador, Eritrea, Honduras, Iran (Islamic Republic of), Jordan, Lebanon, Maldives, Oman, Pakistan, Palau, Paraguay, Qatar, the Russian Federation, Saudi Arabia, Seychelles, Singapore, South Africa, the Syrian Arab Republic, Tajikistan, the United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam, Zambia and the State of Palestine. Subsequently, Albania, Antigua and Barbuda, Bahrain, Bangladesh, Belize, Benin, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, the Central African Republic, Chad, Egypt, Equatorial Guinea, the Gambia, Ghana, Guyana, Haiti, Jamaica, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lesotho, Liberia, Libya, Madagascar, Malaysia, Mali, Namibia, Nicaragua, the Niger, Nigeria, Papua New Guinea, Senegal, Sierra Leone, Somalia, South Sudan, Suriname, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Uganda, the United Republic of Tanzania, Uzbekistan, Yemen and Zimbabwe joined in sponsoring the draft resolution.

20. At the same meeting, the representatives of Pakistan and Spain made statements.

21. Also at the same meeting, the Committee adopted draft resolution A/C.3/73/L.54 (see para. 24, draft resolution III).

22. After the adoption of the draft resolution, statements were made by the representatives of Argentina and the United States of America.

23. A statement in exercise of the right of reply was made by the representative of the United Kingdom of Great Britain and Northern Ireland.

III. Recommendations of the Third Committee

24. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling, in this regard, its resolution 2625 (XXV) of 24 October 1970, entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations",

Bearing in mind the International Covenants on Human Rights,¹ the Universal Declaration of Human Rights,² the Declaration on the Granting of Independence to Colonial Countries and Peoples³ and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,⁴

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,⁵

Recalling also the United Nations Millennium Declaration,⁶

Recalling further the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,⁷ and noting in particular the reply of the Court, including on the right of peoples to self-determination, which is a right *erga omnes*,⁸

Recalling the conclusion of the Court, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,⁹

Stressing the urgency of achieving without delay an end to the Israeli occupation that began in 1967 and a just, lasting and comprehensive peace settlement between the Palestinian and Israeli sides, based on the relevant resolutions of the United Nations, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative¹⁰ and the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,¹¹

¹ Resolution 2200 A (XXI), annex.

² Resolution 217 A (III).

³ Resolution 1514 (XV).

⁴ A/CONF.157/24 (Part I), chap. III.

⁵ Resolution 50/6.

⁶ Resolution 55/2.

⁷ See A/ES-10/273 and A/ES-10/273/Corr.1.

⁸ *Ibid.*, advisory opinion, para. 88.

⁹ *Ibid.*, para. 122.

¹⁰ A/56/1026-S/2002/932, annex II, resolution 14/221.

¹¹ S/2003/529, annex.

Stressing also the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem, and recalling in this regard its resolution 58/292 of 6 May 2004,

Recalling its resolution 72/160 of 19 December 2017,

Recalling also its resolution 67/19 of 29 November 2012,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State of Palestine;

2. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.

Draft resolution II

Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling all of its previous resolutions on the subject, including resolution 72/158 of 19 December 2017, and Human Rights Council resolutions 15/12 of 30 September 2010,¹ 15/26 of 1 October 2010,² 18/4 of 29 September 2011,³ 21/8 of 27 September 2012,⁴ 24/13 of 26 September 2013,⁵ 27/10 of 25 September 2014,⁶ 30/6 of 1 October 2015,⁷ 33/4 of 29 September 2016,⁸ 36/3 of 28 September 2017⁹ and 39/5 of 27 September 2018,¹⁰ as well as all resolutions adopted by the Commission on Human Rights in this regard,

Recalling also all of its relevant resolutions, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit or use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenarism in Africa,¹¹ as well as by the African Union,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or of the threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right freely to determine their political status and to pursue their economic, social and cultural development and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of peoples and nations,

Reaffirming the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,¹²

¹ See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53A* (A/65/53/Add.1), chap. II.

² *Ibid.*, chap. I.

³ *Ibid.*, *Sixty-sixth Session, Supplement No. 53A* and corrigendum (A/66/53/Add.1 and A/66/53/Add.1/Corr.1), chap. II.

⁴ *Ibid.*, *Sixty-seventh Session, Supplement No. 53A* (A/67/53/Add.1), chap. III.

⁵ *Ibid.*, *Sixty-eighth Session, Supplement No. 53A* (A/68/53/Add.1), chap. III.

⁶ *Ibid.*, *Sixty-ninth Session, Supplement No. 53A* and corrigenda (A/69/53/Add.1, A/69/53/Add.1/Corr.1 and A/69/53/Add.1/Corr.2), chap. IV, sect. A.

⁷ *Ibid.*, *Seventieth Session, Supplement No. 53A* (A/70/53/Add.1), chap. III.

⁸ *Ibid.*, *Seventy-first Session, Supplement No. 53A* and corrigendum (A/71/53/Add.1 and A/71/53/Add.1/Corr.1), chap. II.

⁹ *Ibid.*, *Seventy-second Session, Supplement No. 53A* (A/72/53/Add.1), chap. II.

¹⁰ *Ibid.*, *Seventy-third Session, Supplement No. 53A* (A/73/53/Add.1), chap. III.

¹¹ United Nations, *Treaty Series*, vol. 1490, No. 25573.

¹² Resolution 2625 (XXV), annex.

Acknowledging with appreciation the work and contributions of the open-ended intergovernmental working group established by the Human Rights Council with the mandate of considering the possibility of elaborating an international regulatory framework, including the option of elaborating a legally binding instrument on the regulation, monitoring and oversight of the activities of private military and security companies,

Alarmed and concerned at the danger that the activities of mercenaries constitute to peace and security in developing countries in various parts of the world, in particular in areas of armed conflict, and about the threat they pose to the integrity of and respect for the constitutional order of the affected countries,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policies and economies of affected countries resulting from international criminal mercenary activities,

Convinced that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form that they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of all human rights by peoples,

1. *Takes note with appreciation* of the latest report of the Working Group of the Human Rights Council on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;¹³

2. *Reaffirms* that the use of mercenaries and their recruitment, financing, protection and training are causes for grave concern to all States and that they violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflict, terrorism, arms trafficking and covert operations by third Powers encourage, inter alia, the demand for mercenaries on the global market;

4. *Urges*, once again, all States to take the steps necessary and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control are not used for, and that their nationals do not take part in, the recruitment, assembly, financing, training, protection or transit of mercenaries for the planning of activities designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in accordance with the right of peoples to self-determination;

5. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, and to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Encourages* States that import military assistance or consultancy and security services provided by private companies to establish national regulatory mechanisms for registering and licensing those companies in order to ensure that the imported services provided by those private companies neither impede the enjoyment of human rights nor violate human rights in the recipient country;

7. *Emphasizes its utmost concern* about the impact of the activities of private military and security companies on the enjoyment of human rights, in particular when

¹³ A/73/303.

operating in armed conflicts, and note that private military and security companies and their personnel are rarely held accountable for violations of human rights;

8. *Calls upon* all States that have not yet done so to consider acceding to or ratifying the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;¹⁴

9. *Welcomes* the cooperation extended by those countries that have received a visit by the Working Group on the use of mercenaries since the establishment of its mandate and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

10. *Condemns* recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and respect for the constitutional order of those countries and the exercise of the right of their peoples to self-determination, and stresses the importance for the Working Group on the use of mercenaries of looking into sources and root causes, as well as the political motivations of mercenaries and for mercenary-related activities;

11. *Calls upon* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with national law and applicable bilateral or international treaties;

12. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;

13. *Calls upon* Member States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

14. *Requests* the Working Group on the use of mercenaries and other experts to continue their participation, including by submitting contributions, in other subsidiary bodies of the Human Rights Council considering issues related to the use of mercenaries and mercenary-related activities in all their forms and manifestations, including private military and security companies;

15. *Requests* the Working Group on the use of mercenaries to continue the work carried out by the previous mandate holders with respect to the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination in his report submitted to the Commission on Human Rights at its sixtieth session¹⁵ and the evolving phenomenon of mercenaries and its related forms;

16. *Also requests* the Working Group on the use of mercenaries to continue to study and identify sources and causes, emerging issues, manifestations and trends regarding mercenaries or mercenary-related activities and private military and security companies and their impact on human rights, particularly on the right of peoples to self-determination;

17. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of

¹⁴ United Nations, *Treaty Series*, vol. 2163, No. 37789.

¹⁵ See E/CN.4/2004/15, para. 47.

mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

18. *Recommends* that all Member States, including those confronted with the phenomenon of private military and security companies, as contracting States, States of operations, home States or States whose nationals are employed to work for a private military and security company, contribute to the work of the open-ended intergovernmental working group, taking into account the initial work done by the Working Group on the use of mercenaries;

19. *Urges* all States to cooperate fully with the Working Group on the use of mercenaries in the fulfilment of its mandate;

20. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Working Group on the use of mercenaries with all the assistance and support necessary for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

21. *Requests* the Working Group on the use of mercenaries to consult States and intergovernmental and non-governmental organizations on the implementation of the present resolution and to report, with specific recommendations, to the General Assembly at its seventy-fourth session its findings on the use of mercenaries to undermine the enjoyment of all human rights and to impede the exercise of the right of peoples to self-determination;

22. *Decides* to consider the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination at its seventy-fourth session under the item entitled "Right of peoples to self-determination".

Draft resolution III

Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,¹ as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been or are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation adopted by the Commission on Human Rights at its sixty-first² and previous sessions,

Reaffirming its previous resolutions on the universal realization of the right of peoples to self-determination, including resolution 72/159 of 19 December 2017,

Reaffirming also its resolution 55/2 of 8 September 2000, containing the United Nations Millennium Declaration, and recalling its resolution 60/1 of 16 September 2005, containing the 2005 World Summit Outcome, which, inter alia, upheld the right to self-determination of peoples under colonial domination and foreign occupation,

Taking note of the report of the Secretary-General on the right of peoples to self-determination,³

1. *Reaffirms* that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. *Declares its firm opposition* to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. *Calls upon* those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, in particular the brutal and inhuman methods reportedly employed in the execution of those acts against the peoples concerned;

¹ Resolution 2200 A (XXI), annex.

² See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23, E/2005/23/Corr.1 and E/2005/23/Corr.2), chap. II, sect. A.

³ A/73/329.

4. *Deplores* the plight of millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and with honour;

5. *Requests* the Human Rights Council to continue to give special attention to violations of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. *Requests* the Secretary-General to report on this question to the General Assembly at its seventy-fourth session under the item entitled "Right of peoples to self-determination".